MONTANA

Peace Officers Standards and Training

Advisory Council

303 North Roberts
Helena, MT 59620-1408
(406) 444-3604

MBCC
MONTANA BOARD OF CRIME CONTROL

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FORWARD

A Peace Officers Standards and Training Task force was organized in 1969 by the Montana Chiefs of Police Association, financed by a grant from the Montana Board of Crime Control. The Task Force was to assess the qualifications, selection, training and development of law enforcement personnel. From this assessment, the Task Force drafted an appropriate legislative bill to provide for the upgrading and general development of law enforcement personnel. The bill was submitted to the state legislature in 1971 and was amended considerably before passage. Its provisions were unacceptable to law enforcement so it subsequently was vetoed by the governor.

On September 9, 1972, the governor issued an executive order creating the Peace Officers Standards and Training Advisory Council under the Board of Crime Control. An eleven (11) member council was appointed with representation by a sheriff, a deputy sheriff, a police officer, a chief of police, the administrator of the Montana Law Enforcement Academy, a college criminal justice educator, a college police science educator, a mayor, a county commissioner, a training officer of the Department of Fish, Wildlife and Parks and the assistant chief of the Highway Patrol. The governor took this action on the recommendations of the POST Task Force.

Prior to the legislative session beginning in January, 1973, the POST Council drafted bills authorizing the Board of Crime Control to promulgate rules for minimum standards for the selection and training of peace officers. Other bills were drafted that would require police officers and deputy sheriffs hired after July 1, 1973 (or the effective date of the rules) to meet the minimum standards established by the Board of Crime Control. These were subsequently passed by the legislature and signed by the governor.

On the recommendations of the Peace Officers Standards and Training Advisory Council, the Board promulgated administrative rules regarding minimum employment standards and training requirements for peace officers employed after December 5, 1973.

Besides establishing these minimum standards, another objective of the POST Advisory Council was to create and maintain a career development program for peace officers. On the recommendation of the Council, the Board promulgated rules establishing categories and classifications for advanced training in the areas of skills, knowledge and job functions. These rules, effective December 5, 1973, establish levels of certification for those peace officers who meet the requirements of training, education and experience in those categories. These included requirements for certification for the basic, intermediate, advanced and instructor levels. Later on, effective June 15, 1979, rules for certification requirements for the supervisory, command and administrative levels were established.

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The POST Advisory Council operates as an advisory council to the Montana Board of Crime Control. Administrative rules for the POST program are recommended by the Council to the Board. The Board may accept, reject or amend the Council's recommendations. Those that are accepted or amended are then promulgated by the Board as Administrative Rules of Montana. These rules have the same effect and force as law as the Montana Codes Annotated.

The POST Council staff conducts studies and surveys to determine the minimum selection and training standards necessary to select and train peace officers to perform their duties. Job task analysis are used to validate the selection tests and to validate the training program.

The Council provides assistance and advice to law enforcement agencies, training academies, local county and city governments, and state agencies including the legislature, the Governor's office and the Attorney General's office. The Council also consults and cooperates with these agencies and officials, the colleges and universities of this state, the federal government agencies and with law enforcement training councils and commissions established in the other states.

This manual contains the legislative acts pertaining to the POST program, the administrative rules of the Board of Crime Control and the procedures and guidelines of the POST Advisory Council. All rules in this manual are in effect as of December 8, 1989.

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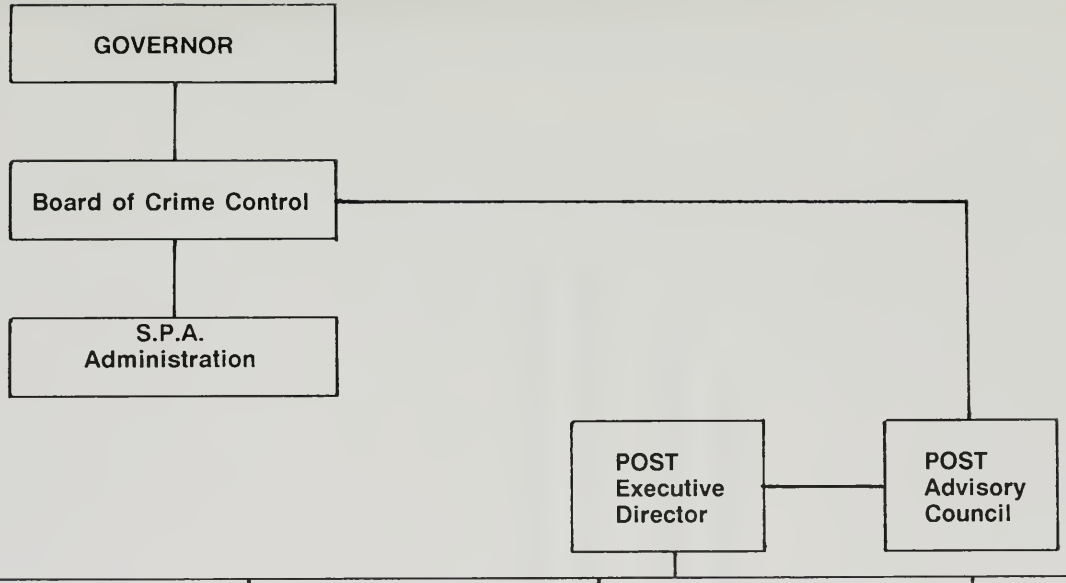

ACADEMY PROGRAMS	PERSONNEL STANDARDS	SCHOOL CERTIFICATION	SERVICES
MLEA Curriculum Design Advanced Training Basic Training Intermediate Training Supervisory Training Command Training Administrative Training Instructor Training Specialized Training	Employment, Recruiting & Career Counseling Certification, Training & Employment Records for 1600 Peace Officer Standards Compliance for 1600 Peace Officers, 175 Coroners and Deputy Coroners and 230 Full and Part-Time Detention Officers	Certification of Courses, Schools and Instructors	Surveys Policy and Guideline Development

LEGISLATIVE ACTS

CONTAINING AMENDMENTS TO:

SECTIONS 7-32-303, 7-32-2106, 7-32-4112,

44-4-301, and 44-10-101 through 44-10-303

7-32-303. Peace officer employment, education, and certification standards. (1) For purposes of this section, unless the context clearly indicates otherwise, "peace officer" means a deputy sheriff, undersheriff, police officer, highway patrolman, fish and game warden, campus security officer, or airport police officer.

(2) No sheriff of a county, mayor of a city, board, commission, or other person authorized by law to appoint peace officers in this state shall appoint any person as a peace officer who does not meet the following qualifications plus any additional qualifying standards for employment promulgated by the board of crime control:

(a) be a citizen of the United States;

(b) be at least 18 years of age;

(c) be fingerprinted and a search made of the local, state, and national fingerprint files to disclose any criminal record;

(d) not have been convicted of a crime for which he could have been imprisoned in a federal or state penitentiary;

(e) be of good moral character, as determined by a thorough background investigation;

(f) be a high school graduate or have passed the general education development test and have been issued an equivalency certificate by the superintendent of public instruction or by an appropriate issuing agency of another state or of the federal government;

(g) be examined by a licensed physician, who is not the applicant's personal physician, appointed by the employing authority to determine if the applicant is free from any mental or physical condition that might adversely affect performance by the applicant of the duties of a peace officer;

(h) successfully complete an oral examination conducted by the appointing authority or its designated representative to demonstrate the possession of communication skills, temperament, motivation, and other characteristics necessary to the accomplishment of the duties and functions of a peace officer; and

(i) possess or be eligible for a valid Montana driver's license.

(3) At the time of appointment a peace officer must take a formal oath of office.

(4) Within 10 days of the appointment, termination, resignation, or death of any peace officer, written notice thereof must be given to the board of crime control by the employing authority.

(5) (a) Except as provided in subsections (b) and (c) of this subsection, it is the duty of an appointing authority to cause each peace officer appointed under its authority to attend and successfully complete, within 1 year of the initial appointment, an appropriate peace officer basic course certified by the board of crime control. Any peace officer appointed after September 30, 1983, who fails to meet the minimum requirements as set forth in subsection (2) or who fails to complete the basic course as required by this subsection forfeits the position, authority, and arrest powers accorded a peace officer in this state.

(b) A peace officer who has been issued a basic certificate by the board of crime control and whose last date of employment as a peace officer was less than 36 months prior to the date of his present appointment as a peace

officer is not required to fulfill the basic educational requirements of subsection (5)(a). If such peace officer's last date of employment as a peace officer was 36 or more but less than 60 months prior to the date of his present employment as a peace officer, he may satisfy his basic educational requirements as set forth in subsection (5)(c).

(c) A peace officer under the provisions of subsection (5)(b) or a peace officer who has completed a basic peace officer's course in another state and whose last date of employment as a peace officer was less than 60 months prior to the date of his present appointment as a peace officer may, within 1 year of his present employment or initial appointment as a peace officer within this state, satisfy his basic educational requirements by successfully passing a basic equivalency test administered by the Montana law enforcement academy and successfully completing a legal training course conducted by the academy. If the peace officer fails the basic equivalency test, he must complete the basic course within 120 days of the date of the test.

(6) The board of crime control may extend the 1-year time requirements of subsections (5)(a) and (5)(c) upon the written application of the peace officer and the appointing authority of the officer. The application must explain the circumstances which make the extension necessary. Factors which the board may consider in granting or denying the extension include but are not limited to illness of the peace officer or a member of his immediate family, absence of reasonable access to the basic course or the legal training course, and an unreasonable shortage of personnel within the department. The board may not grant an extension to exceed 180 days.

(7) A peace officer who has successfully met the employment standards and qualifications and the educational requirements of this section and who has completed a 1-year probationary term of employment shall, upon application to the board of crime control, be issued a basic certificate by the board, certifying that the peace officer has met all the basic qualifying peace officer standards of this state.

History: En. Sec. 4598, Pol. C. 1895; re-en. Sec. 3124, Rev. C. 1907; re-en. Sec. 4879, R.C.M. 1921; re-en. Sec. 4879, R.C.M. 1935; amd. Sec. 1, Ch. 257, L. 1967; amd. Sec. 2, Ch. 66, L. 1971; amd. Sec.1, Ch. 81, L. 1971; amd. Sec. 1, Ch. 62, L. 1973; amd. Sec. 2, Ch. 188, L. 1975; R.C.M. 1947, 16-3705(part); amd. Sec. 1, Ch. 191, L. 1983; amd. Sec. 1, Ch. 714, L. 1985.

Compiler's Comments

1985 Amendment: In (5)(b) inserted last sentence; and in (5)(c), near beginning inserted "under the provisions of subsection (5)(b) or a peace officer", substituted "60 months" for "36 months", and near middle before "initial employment", inserted "present employment or".

1983 Amendment: Substituted present language for "No sheriff of a county, mayor of a city, or other person authorized by law to appoint special deputies, marshals, or policemen in this state to preserve the public peace and prevent or quell public disturbance shall hereafter appoint as such special deputy, marshal, or policeman any person who does not meet the minimum qualifying standards for employment promulgated by the board of crime control."

Cross-References

Board of Crime Control — functions, 44-4-301.

7-32-304. Exception for organizing posse. The provisions of this part shall not apply in cases of the officers listed in 7-32-301 summoning a posse forthwith to quell public disturbance or domestic violence.

History: En. Sec. 4598, Pol. C. 1895; re-en. Sec. 3124, Rev. C. 1907; re-en. Sec. 4879, R.C.M. 1921; re-en. Sec. 4879, R.C.M. 1935; amd. Sec. 1, Ch. 257, L. 1967; amd. Sec. 2, Ch. 66, L. 1971; amd. Sec.1, Ch. 81, L. 1971; amd. Sec. 1, Ch. 62, L. 1973; amd. Sec. 2, Ch. 188, L. 1975; R.C.M. 1947, 16-3705(part).

7-32-2106. Attendance at Montana law enforcement academy required for deputy sheriffs. (1) It shall be the duty of the sheriff to cause all deputies whose term of employment commenced subsequent to March 2, 1967, to attend that academy provided for by Title 44, chapter 10, except that the sheriff may accept reasonable delays in attendance at the academy as shown by the deputy's declared intention of attending.

(2) Failure to satisfactorily complete the course offered by said academy shall be deemed cause to terminate a deputy's employment.

History: En. Sec. 4598, Pol. C. 1895; re-en. Sec. 3124, Rev. C. 1907; re-en. Sec. 4879, R.C.M. 1921; re-en. Sec. 4879, R.C.M. 1935; amd. Sec. 1, Ch. 257, L. 1967; amd. Sec. 2, Ch. 66, L. 1971; amd. Sec.1, Ch. 81, L. 1971; amd. Sec. 1, Ch. 62, L. 1973; amd. Sec. 2, Ch. 188, L. 1975; R.C.M. 1947, 16-3705(4).

7-32-4112. Qualifications of policemen. (1) The members of the police department on the active list of any city at the time of their appointment under this part may not be less than 18 years of age or more than 35 years of age, but this restriction does not apply to any member of any police department as of July 2, 1973, to honorably discharged persons who served in the armed forces of the United States in time of war, providing such time of service is not less than 3 months, or to applicants for reinstatement under 7-32-4110.

(2) A police officer must be a citizen of the United States and meet the minimum qualifying standards for employment promulgated by the board of crime control.

History: (1)En. Sec. 1, Ch. 100, L. 1927; amd. Sec. 1, Ch. 16, L. 1929; amd. Sec. 1, Ch. 120, L. 1929; re-en. Sec. 5108.1, R.C.M. 1935; amd. Sec. 1, Ch. 93, L. 1947; amd. Sec. 12, Ch. 94, L. 1973; Sec. 11-1817, R.C.M. 1947; (2)En. Sec. 12, Ch. 136, L. 1907; Sec. 3315, Rev. C. 1907; re-en. Sec. 5106, R.C.M. 1921; amd. Sec. 6, Ch. 119, L. 1923; re-en. Sec. 5106, R.C.M. 1935; amd. Sec. 1, Ch. 29, L. 1959; amd. Sec. 1, Ch. 47, L. 1971; amd. Sec. 1, Ch. 66, L. 1971; amd. Sec. 1, Ch. 56, L. 1973; amd. Sec. 1, Ch. 60, L. 1973; amd. Sec. 12, Ch. 335, L. 1974; Sec. 11-1814, R.C.M. 1947; R.C.M. 1947, 11-1814, 11-1817; amd. Sec. 8, Ch. 263, L. 1979.

Cross-References

Employment standards of Board of Crime Control, 7-32-303.

Part 3
Board of Crime Control

Part Cross-References
Creation and composition, 2-15-2006.
Training program required for reserve officers, 7-32-214.
Employment standards of Board, 7-32-303.
Qualifications of policemen, 7-32-4112.

44-4-301. Functions. (1) As designated by the governor as the state planning agency under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the board of crime control shall perform the functions assigned to it under that act. The board shall also provide to criminal justice agencies technical assistance and supportive services that are approved by the board or assigned by the governor or legislature.

(2) The board shall have the authority to establish minimum qualifying standards for employment of peace officers, as defined in 7-32-303, detention officers, and detention center administrators.

(3) The board shall have the authority to require basic training for officers, establish minimum standards for equipment and procedures and for advanced in-service training for officers, and establish minimum standards for law enforcement and detention officer training schools administered by the state or any of its political subdivisions or agencies, to insure the public health, welfare, and safety.

(4) The board may waive the minimum qualification standard for good cause shown.

History: En. 82A-1207 by Sec. 1, Ch. 272, L. 1971; amd. Sec. 1, Ch. 61, L. 1973; amd. Sec. 1, Ch. 202, L. 1977; R.C.M. 1947, 82A-1207(4); amd. Sec. 1, Ch. 345, L. 1989.

Compiler's Comments
1989 Amendment: Inserted second sentence of (1) that read: "The board shall also provide to criminal justice agencies technical assistance and supportive services that are approved by the board or assigned by the governor or legislature"; at end of (2) substituted "as defined in 7-32-303, detention officers, and detention center administrators" for "whose primary responsibility as authorized by law includes either the prevention and detention of crime or supervision of the enforcement of the penal, traffic, or fish and game laws of this state and its political subdivisions"; at beginning of (3) inserted "The board shall have the authority to" and near middle, after "enforcement", inserted "and detention officer"; and made minor changes in phraseology.

Cross-References
Law Enforcement Academy, Title 44, ch. 10.

44-4-302. Definitions. As used in 44-4-301 and this section, the following definitions apply:

(1) "Detention center" means a facility established and maintained by an appropriate entity for the purpose of confining arrested persons or persons sentenced to a detention center.

(2) "Detention center administrator" means the sheriff, chief of police, administrator, superintendent, director, or other individual serving as the chief executive officer of a detention center or temporary detention center.

(3) "Detention officer" means a person or a peace officer who has full-time or part-time authority and responsibility for maintaining custody of inmates and who performs tasks related to the operation of a detention center or temporary detention center.

(4) "Temporary detention center" means a facility for the temporary detention of an arrested person for up to 72 hours, excluding holidays, Saturdays, and Sundays. The period of time a person is held in temporary detention may not exceed 96 hours.

History: En. Sec. 2, Ch. 345, L. 1989.

Part 1

General Provisions

44-10-101. Short title. This chapter may be cited as the "Montana Law Enforcement Academy Act".

History: En. Sec. 1, Ch. 7, L. 1959; R.C.M. 1947, 75-5201.

44-10-102. Purpose. The purpose of this chapter shall be to establish a Montana law enforcement academy to provide Montana law enforcement officers and other qualified individuals with a means of securing training in the field of law enforcement.

History: En. Sec. 2, Ch. 7, L. 1959; R.C.M. 1947, 75-5202; amd. Sec. 1, Ch. 40, L. 1989.

Compiler's Comments

1989 Amendment: After "Montana law enforcement officers" inserted "and other qualified individuals" and near end, before "training", deleted "additional". Amendment effective July 1, 1989.

44-10-103. Establishment of academy. There is hereby established a Montana law enforcement academy.

History: En. Sec. 3, Ch. 7, L. 1959; amd. Sec. 1, Ch. 233, L. 1967; R.C.M. 1947, 75-5203(part); amd. Sec. 1, Ch. 431, L. 1985.

Part 2

Government of Academy

44-10-201. Department of justice to govern academy. The Montana law enforcement academy shall be governed by the department of justice.

History: En. Sec. 5, Ch. 7, L. 1959; amd. Sec. 1, Ch. 28, L. 1961; amd. Sec. 1, Ch. 88, L. 1969; R.C.M. 1947, 75-5205.

44-10-202. Powers and duties of department. The department of justice shall have the power and it shall be its duty to:

(1) establish qualifications for admission to the academy;

(2) select from among qualified applicants those officers and other individuals who are to attend the academy each year;

(3) determine the curriculum and methods of training for officers and other individuals attending the academy;

(4) select and hire staff as it considers necessary to implement this chapter;

(5) establish rules for the conduct of officers and other individuals enrolled at the academy;

(6) award appropriate certificates to officers and other individuals who successfully complete their training;

(7) provide for the keeping of permanent records of enrollment, attendance, and graduation and other records as the department considers necessary;

(8) make a yearly report in writing of the activities of the academy. Copies of this report shall be sent to the governor, attorney general, and secretary of state.

(9) do all other things necessary and desirable for the establishment and operation of the academy not inconsistent with this chapter or the constitution and statutes of the state of Montana;

(10) accept and expend grants from federal, state, county, and city governments or private persons, associations, or corporations.

History: En. Sec. 6, Ch. 7, L. 1959; amd. Sec. 2, Ch. 233, L. 1967; amd. Sec. 1, Ch. 331, L. 1971; R.C.M. 1947, 75-5206; amd. Sec. 2, Ch. 431, L. 1985; amd. Sec. 2, Ch. 40, L. 1989.

Compiler's Comments

1989 Amendment: In (2), (3), and (6), after "officers", inserted "and other individuals"; in (5), after "officers", inserted "and other individuals enrolled"; and made minor changes in phraseology. Amendment effective July 1, 1989.

44-10-203. Sessions to be determined annually. The academy shall be in session for a period to be annually determined by the department of justice.

History: En. Sec. 3, Ch. 7, L. 1959; amd. Sec. 1, Ch. 233, L. 1967; R.C.M. 1947, 75-5203(part).

Part 3

Officers Who Attend Academy

44-10-301. Eligibility. All bona fide Montana law enforcement officers and other individuals who meet the qualifications established by the department of justice shall be eligible to apply for admission to the Montana law enforcement academy.

History: En. Sec. 4, Ch. 7, L. 1959; R.C.M. 1947, 75-5204; amd. Sec. 3, Ch. 40, L. 1989.

Compiler's Comments

1989 Amendment: After "law enforcement officers" inserted "and other individuals who meet the qualifications established by the department of justice" and before "academy" substituted "the Montana law enforcement" for "this". Amendment effective July 1, 1989.

44-10-302. Retention of employment rights. All officers shall be paid their regular salary during their attendance at the academy, and time spent in such attendance shall not be deducted from the vacation to which any attending officer is entitled. No officer shall lose any pension, seniority, or other rights by reason of attendance at the academy.

History: En. Sec. 7, Ch. 7, L. 1959; R.C.M. 1947, 75-5207.

44-10-303. Expenditure of funds by local governments authorized. The expenditure of funds by any city, town, municipality, or county for the board, room, and travel expenses of the officers attending the academy shall be a lawful expenditure.

History: En. Sec. 8, Ch. 7, L. 1959; amd. Sec. 3, Ch. 233, L. 1967; R.C.M. 1947, 75-5208.

RULES PROMULGATED BY THE BOARD OF CRIME CONTROL IN THE ADMINISTRATIVE RULES OF MONTANA

Sub-Chapter 4

Peace Officers Standards and Training

23.14.401 ADMINISTRATION OF PEACE OFFICERS STANDARDS AND TRAINING (1) Rules and regulations of the board of crime control on minimum standards for employment as a law enforcement officer and as a detention officer, for equipment and for procedures; requiring basic training for law enforcement and detention officers appointed after the effective date of this regulation; providing for the appointment of a peace officers standards and training advisory council; and providing for the administration of these rules and regulations and for the adoption of necessary regulations as provided by section 44-4-301, MCA.

(2) The objective of the board of crime control is to establish minimum standards for employment for all enforcement and detention officers and their equipment, procedures and training of professional character and to insure the fair and equal application of law enforcement throughout the state of Montana, all in the interest of the public safety and welfare.

(3) There is hereby created in the board of crime control the peace officers standards and training advisory council to consist of no more than 15 members appointed by the governor which shall advise the board of crime control concerning the administration and purposes of this regulation. Members of this council shall include but not be limited to the following:

(a) One member to be the administrator of the Montana law enforcement academy;

(b) One member to be an incumbent chief of police recommended by the Montana chiefs of police association;

(c) One member to be an incumbent sheriff recommended by the Montana sheriffs and peace officers association;

(d) One member to be a deputy sheriff recommended by the Montana sheriffs and peace officers association;

(e) One member to be a police officer recommended by the Montana police protective association;

(f) One member to be recommended by the chief of the Montana highway patrol;

(g) One member to be recommended by the state fish and game director;

(h) One member to be selected at large from the Montana criminal justice educators association;

(i) One member to be an incumbent mayor;

(j) One member to be an incumbent county commissioner;

(k) One member to be a delegate at large; and

(l) One member to be a detention center administrator or detention officer.

(4) Members of the peace officers standards and training advisory council shall serve at the pleasure of the governor.

(5) Any member who shall cease to hold his official office shall, immediately upon the termination of his holding such office, cease to be a member of the council and a successor shall be appointed for the unexpired term in accordance with the provisions of section 3 of this regulation. Such appointment shall be made before the next scheduled meeting of the council.

(6) For the purposes of this regulation the terms "law enforcement officer" and "peace officer" shall mean the undersheriffs and deputy sheriffs of each county, the members of the police force of every organized city or town, the marshals of every town, state highway patrolmen, state fish and game wardens, campus security police of the state university system and the airport police organized by airport commissions or boards who are given general police powers to enforce the state laws and city ordinances, and are salaried, full-time employees of their law enforcement agencies. The terms "detention officer" and "detention center administrator" mean those defined in 44-4-302, MCA.

(7) The council shall meet at least four times each year. At the first meeting of the council, it shall elect a chairman. Special meetings may be called by the chairman, or upon the written request of a majority of the members of the council. The council may establish its own requirements as to quorum, and its own procedures with respect to the conduct of its meetings and other affairs -- provided that all recommendations by the council to the board of crime control pursuant to section 11 of this regulation shall require the affirmative vote of a majority of the members of the council.

(8) The members of the council shall receive compensation for their services as prescribed by law and shall be allowed their actual and necessary expenses incurred in the performance of their duties.

(9) Membership on the council does not constitute the holding of public office, and members of the council shall not be required to take and file oaths of office before serving on the council. The council shall not exercise any part of the sovereign power of the state.

(10) No member of the council shall be disqualified from holding any public office or employment, nor shall he forfeit any such office or employment by reason of his appointment to the council, notwithstanding any general, special, or local law, ordinance or city charter to the contrary.

(11) The council shall recommend to the board of crime control rules and regulations with respect to:

(a) Minimum standards of physical, educational, mental and moral fitness which shall govern the recruitment, selection

and appointment of law enforcement and detention officers;

(b) The approval, or revocation of approval, of law enforcement and detention officer training schools administered by the state, county, municipal corporations, public school districts, vocational-technical school districts, and law enforcement zone schools;

(c) Minimum courses of study, attendance requirements, and equipment and facilities to be required at approved schools;

(d) Minimum qualifications for instructors at the approved schools;

(e) The requirements of the minimum basic training which law enforcement and detention officers appointed to probationary terms shall complete before being eligible for permanent appointment, and the time within which such basic training must be completed following such appointment to a probationary term;

(f) The requirements of minimum basic training which law enforcement and detention officers not appointed for probationary terms but appointed on other than a permanent basis, shall complete in order to be eligible for continued employment or permanent appointment, and the time within which such basic training must be completed following such appointment on a non-permanent basis;

(g) Categories or classifications of advanced in-service training programs and minimum courses of study and attendance requirements with respect to such categories or classifications;

(h) Minimum standards for equipment, weaponry, vehicles, gear and other accessories purchased or used by law enforcement agencies; and

(i) Minimum standards for record keeping and procedures.

(12) The board of crime control shall appoint an executive director and such additional staff as may be needed to implement the council's recommendations. He shall perform such duties as may be assigned to him by the board. He shall receive compensation, as fixed by the board, and reimbursement for expenses within the amounts available by appropriation.

(13) The council may, in its discretion:

(a) Recommend studies, surveys, and reports to be made by the executive director regarding the carrying out of the objectives and purposes of this regulation;

(b) Visit and inspect any law enforcement and detention officer training school approved by the board or for which application for such approval has been made;

(c) Make recommendations to the executive director, board and legislative assembly, regarding carrying out of the purposes of this regulation; and

(d) Perform such other acts as may be necessary or appropriate to carry out the powers and duties of the board as

set forth in this regulation.

(14) The board of crime control may adopt and promulgate any or all of the rules and regulations recommended by the council to the board pursuant to section 11 of this regulation, and to revise or amend such recommended rules and regulations or to add new rules and regulations thereto. When the board promulgates any rules or regulations, it shall transmit a certified copy thereof to the secretary of state.

(15) The executive director shall have the following duties, to be exercised as directed by the board:

(a) To approve law enforcement and detention officer training schools administered by state, county, municipal corporations, public school districts, vocational-technical school districts, private institutions and law enforcement zone schools, hereinafter referred to as "law enforcement schools;"

(b) To certify as qualified instructors at approved law enforcement and detention officer training schools and to issue appropriate certificates to such instructors;

(c) To certify law enforcement and detention officers who have satisfactorily completed basic training programs and to issue appropriate certificates to such law enforcement and detention officers;

(d) To cause studies and surveys to be made relating to the establishment, operation, and approval of law enforcement and detention officer schools;

(e) To consult and cooperate with law enforcement and detention officer schools for the development of advanced in-service training programs for law enforcement and detention officers;

(f) To consult and cooperate with universities, colleges, and institutes for the development of specialized courses of study in the state for law enforcement and detention officers in police science, police administration, corrections and corrections administration;

(g) To consult and cooperate with other departments and agencies of the state and federal government concerned with law enforcement and detention officer training;

(h) To perform such other acts as may be necessary or appropriate to carry out his powers and duties as set forth in this regulation; and,

(i) To report to the council at each regular meeting of the council and at such other times as the council may require.

(16) Nothing in sections 2 through 16, inclusive, of this regulation shall be construed to exempt any law enforcement officer, detention officer or other officer or employee from the provisions of Title 7, chapter 32, MCA, 7-32-303, MCA or 44-4-301, MCA.

(17) No person shall, after the effective date of this regulation, receive an original appointment on a permanent basis as a law enforcement or a detention officer as defined in this

regulation, unless such person has met the minimum employment standards established by the board and has previously been awarded a certificate by the board attesting to his satisfactory completion of an approved state, county, or municipal police or detention officer basic training program; and every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as a law enforcement or a detention officer as defined in this regulation, shall forfeit his position as such unless he previously has satisfactorily completed, or within the time prescribed by regulations promulgated by the board of crime control, satisfactorily completes an approved basic training program at a law enforcement or a detention officer school and is awarded a certificate by the board attesting thereto and has met the minimum employment standards established by the board.

(18) The board shall issue waivers on minimum standards, either separately or collectively, for good cause shown.

(19) Any amounts appropriated by the legislature shall be paid by the state treasurer in accordance with the laws of the state upon certification of the board for the purpose of reimbursing any state department, county, city, municipal corporation, college or university.

(20) In no event shall any payment be made to any state department, county, city, municipal corporation, college or university which has not adhered to the standards established by the board as applicable to personnel recruited or trained by such state department, county, city, municipal corporation, college or university during the period for which reimbursement is sought, and the board has not issued a waiver.

(21) Any state department, county, city, municipal corporation, college or university which desires to receive aid pursuant to this regulation shall make application to the board for such aid. The application must be accompanied by a certified copy of a law, ordinance or resolution adopted by its governing body providing that while receiving any aid pursuant to this regulation, the state department, county, city, municipal corporation, college or university will adhere to the standards established by the board, or by a copy of a waiver by the board. The application shall contain such information as the board may request. (History: 44-4-301 MCA; IMP, 44-4-301 and 7-32-303 MCA, Eff. 12/5/73; AMD, 1984 MAR p. 880, Eff. 6/1/84; AMD, 1989 MAR p. 2064, Eff. 12/8/89.)

23.14.402 MINIMUM STANDARDS FOR THE EMPLOYMENT OF PEACE OFFICERS (1) The objectives of the Montana peace officers standards and training advisory council are to raise the level of competence of state and local law enforcement offices by promulgating, through the board of crime control, regulations establishing minimum standards for the selection, professional development, and training of such officers. Law enforcement is

of such a nature as to require education and training of a professional character to insure the fair and equal application of law enforcement throughout the state of Montana.

(2) Every deputy sheriff, undersheriff, police officer, highway patrolman, fish and game warden, campus security officer and airport police officer must meet the employment, education and certification standards of section 7-32-303 MCA. (History: 44-4-301 MCA; IMP, 7-32-303 MCA and 7-32-4112 MCA; NEW, Eff. 12/5/73; AMD, Eff. 5/1/75; AMD, 1981 MAR p. 1903, Eff. 12/31/81; AMD, MAR p. 880, Eff. 6/1/84.)

23.14.403 REQUIREMENTS FOR PEACE OFFICERS HIRED BEFORE AND AFTER THE EFFECTIVE DATE OF THIS REGULATION (1) Requirements for peace officers hired after the effective date of this regulation are:

(a) Each applicant must meet the minimum employment, education and certification standards as promulgated by the board of crime control and section 7-32-303, MCA;

(b) Each applicant shall attest that he subscribes to the law enforcement code of ethics;

(c) To be eligible for the award of certificate, each applicant must be a full-time, paid and sworn peace officer employed by a law enforcement agency as defined by the board of crime control; and

(d) Each applicant shall have completed the designated combinations of education, training and experience as computed by the point system established by the POST advisory council.

(2) Requirements for officers hired before the effective date of this regulation:

(a) Peace officers already serving under a permanent appointment prior to the effective date of this regulation shall not be required to meet any of the requirements for certification as a condition of tenure or continued employment; nor shall failure to fulfill such requirements make him ineligible for any promotional examination or consideration for promotion for which he otherwise would be eligible. (History: 44-4-301 MCA; IMP, 44-4-301 and 7-32-303 MCA; NEW, Eff. 12/5/73; AMD, 1984 MAR p. 880, Eff. 6/1/84.)

23.14.404 GENERAL REQUIREMENTS FOR CERTIFICATION (1) Each peace officer shall attest that he subscribes to the law enforcement code of ethics.

(2) To be eligible for the award of a certificate, each peace officer must be a full-time, paid and sworn peace officer employed by a law enforcement agency as defined by the board of crime control at the time the application for certification is received by the board.

(3) Full-time, paid and sworn peace officers known as special agents, investigators, inspectors, marshals and deputy marshals, patrol officers, deportation and detention officers,

and special officers of the following designated federal agencies may apply for the award of a certificate if the applicant has met the requirements for such certification established by these rules. The designated federal agencies are:

(a) The federal bureau of investigation;

(b) The United States secret service;

(c) The United States immigration and naturalization service;

(d) The United States customs service;

(e) The United States marshal's service;

(f) The federal drug enforcement administration;

(g) The United States postal service;

(h) The federal bureau of alcohol, tobacco and firearms;

(i) The federal internal revenue service;

(j) The federal bureau of indian affairs;

(k) The federal bureau of land management;

(l) The United States forest service;

(m) The United States national park service;

(n) The United States border patrol;

(o) The federal general services administration;

(p) The United States fish and wildlife service; and

(q) The United States department of agriculture.

(4) Each peace officer shall have completed the designated combinations of education, training and experience as computed by the point system established by the POST advisory council

(5) Point System.

(a) Education Points:

(i) one college semester unit shall equal 4 points.

(ii) one college quarter unit shall equal 3 points.

(iii) when more than 15 education points are claimed, law enforcement technical, vocational and professional subjects shall not exceed two-thirds of the total number of such points claimed.

(iv) education points claimed must have been earned on credits awarded in a course from a college or university that is accredited by its state department of education, its state university system, the recognized nationalized accrediting body, or the POST advisory council. Such credits must have been earned in a course of study leading to a degree as described in the college catalog where the credits were earned.

(v) copies of official college transcripts or other verifying documents must be furnished for credits claimed.

(b) Training Points:

(i) ten classroom hours of law enforcement training certified or approved by the POST advisory council shall equal one point.

(ii) the basic course does not count for training points. Any training at the recruit level which exceeds the basic course as defined by the POST advisory council will count for training points.

(iii) the acceptability of training points claimed for training received out-of-state shall be determined by the POST advisory council.

(iv) training points claimed for the award of the advanced certificate shall be based on the following ratio of prescribed subject areas which have been completed at a certified training school: legal matters (including recent court decisions) 20%; advanced investigative techniques and aids 20%; advanced police patrol procedures 20%; and human and community relations 20%.

(6) Law Enforcement Experience:

(a) Law enforcement experience in any law enforcement agency in this state meeting the minimum standards of the board of crime control is acceptable.

(b) Acceptability of the required experience shall be determined by the POST advisory council in case of any employing agency which does not meet the minimum standards established by the board of crime control.

(c) The acceptability of the required experience shall be determined by the POST advisory council in the case of peace officers with out-of-state law enforcement experience. (History: Sec. 44-4-301 MCA; IMP, 44-4-301, 44-11-301 through 44-11-305 MCA; NEW, Eff. 12/5/73; AMD, 1989 MAR p. 2065, Eff. 12/8/89.)

23.14.405 REQUIREMENTS FOR THE BASIC CERTIFICATE In addition to ARM 23.14.403 and 23.14.404 above, the following are required for the award of the basic certificate:

(1) Peace officers hired after the effective date of this regulation:

(a) shall have completed the probationary period prescribed by law but in no case have less than one year experience; and

(b) shall have completed the basic course or the equivalency as defined by the POST advisory council.

(2) Peace officers hired before the effective date of this regulation:

(a) shall have completed the probationary period prescribed by the employing agency and shall have served at least one year with the present employing agency;

(b) shall have completed the basic course at MLEA or an equivalency as defined by the POST advisory council; or

(c) all such officers have satisfied the requirements for the basic certificate by their experience and satisfactorily performing their duties as attested to by the head of the law enforcement agencies for which they are employed.

(3) Peace officers with out-of-state experience and training and peace officers formerly employed by the designated federal agencies specified in the Administrative Rules of Montana who do not have basic certification and are employed by Montana law enforcement agencies:

(a) shall have completed the probationary period prescribed by law but in no case have less than one year experience with the present employing agency.

(b) whose training is determined by the POST advisory council as equivalent to the basic course must successfully complete an equivalency test, approved by the council and administered by the Montana law enforcement academy, by achieving a cumulative score of 75% or more and successfully complete the legal training school conducted by MLEA. The council will require those who fail the equivalency test to successfully complete the basic course at MLEA.

(c) whose training is determined by the POST advisory council as not equivalent to the basic course must, within one year of initial appointment, successfully complete the basic course.

(4) All of the training and equivalency requirements for the basic certificate must be accomplished within one year of the initial appointment. (History: Sec. 44-4-301 MCA, IMP, 44-4-301, 7-32-303, 44-11-301 through 44-11-305 MCA, NEW, Eff. 12/5/73; AMD, 1978 MAR p. 720, Eff. 5/26/78; AMD, 1989 MAR p. 2065, Eff. 12/8/89.)

23.14.406 REQUIREMENTS FOR THE INTERMEDIATE CERTIFICATE In addition to ARM 23.14.403 and 23.14.404 above, the following are required for the award of the intermediate certificate:

(1) Must have served at least one year with and has completed the probationary period prescribed by present employing agency and is satisfactorily performing his duties as attested to by the head of the employing law enforcement agency.

(2) Shall possess the basic certificate.

(3) Shall have completed the intermediate course or the equivalency as designated by the POST advisory council, and,

(a) if the council determines the training to be equivalent to the intermediate course the officer must successfully complete an equivalency test, approved by the council and administered by MLEA, by achieving a cumulative score of 75% or more. The council will require those who fail the equivalency test to successfully complete the intermediate course at MLEA before awarding the intermediate certificate.

(b) if the council determines the training is not equivalent, the officer must successfully complete the intermediate course.

(4) Has 4 years experience and 40 training points; or

(5) Has 5 years experience and 30 training points; or

(6) Has 4 years experience, 20 training points, possess an associate degree; or

(7) Has 3 years experience, 15 training points, possess a baccalaureate degree; or

(8) Has 2 years experience, 10 training points, possess a masters degree. (History: Sec. 44-4-301 MCA; IMP, 44-4-301 MCA, NEW, Eff. 12/5/73; AMD, 1978 MAR p. 720, Eff. 5/26/78.)

23.14.407 REQUIREMENTS FOR THE ADVANCED CERTIFICATE In addition to ARM 23.14.403 and 23.14.404 above, the following are required for the award of the advanced certificate:

(1) Shall possess the intermediate certificate.

(2) Shall have completed the advanced course or the equivalency as defined by the POST advisory council or complete alternative courses as provided in subsection (3).

(a) If the council determines the training to be equivalent to the advanced course, the officer must successfully complete an equivalency test, approved by the council and administered by MLEA, by achieving a cumulative score of 75% or more. The council will require those who fail the equivalency test to successfully complete the advanced course at MLEA before awarding the advanced certificate.

(b) If the council determines the training is not equivalent, the officer must successfully complete the advanced course.

(3) Shall have completed a professional development course such as the FBI national academy course, northwestern university traffic institute management course, the southern police institute management course, and others that are recognized by the POST advisory council; or, with the approval of the agency administrator:

(a) Complete one 40-hour special course and the legal training school conducted by MLEA; or

(b) Complete two 40-hour special courses within a 24 month cycle; and

(c) Any applicant for the advanced certificate who has completed the requirements of either subsection (3)(a) or (3)(b) after October 26, 1984, has met the advanced course requirements.

(4) Shall have completed at least 8 years service with a law enforcement agency except for holders of college degrees.

(5) Shall have acquired the following points related to combinations of education, training and experience:

(a) Eight years experience and 80 points; or

(b) Ten years experience and 60 points; or

(c) Eight years experience and 45 training points, and possess an associate degree; or

(d) Six years experience and 35 training points, and possess a baccalaureate degree; or

(e) Four years experience and 25 training points, and possess a masters degree. (History: Sec. 44-4-301, MCA; IMP, 44-4-301 MCA, NEW, Eff. 12/5/73; AMD, 1978 MAR p. 720, Eff. 5/26/78; AMD, 1986 MAR p. 1023, Eff. 6/13/86.)

23.14.408 REQUIREMENTS FOR THE SUPERVISORY CERTIFICATE In addition to ARM 23.14.403 and 23.14.404 above, the following are required for the award of the supervisory certificate:

(1) Shall possess the intermediate certificate.

(2) Shall have successfully completed the supervisory course at MLEA or the equivalency as designated by the POST advisory council.

(3) Currently and for one year prior to the date of application shall have served satisfactorily as a first-level supervisor as attested to by the head of the employing agency.

(4) Peace officers with out-of-state experience and training at the supervisory level and are employed at that level by Montana law enforcement agencies are eligible if they:

(a) Currently and for one year prior to the date of application shall have served satisfactorily at the supervisory level as attested to by the head of the employing agency, and

(b) If the council determines the training to be equivalent to the supervisory course, the officer must successfully complete an equivalency test, approved by the council and administered by MLEA by achieving accumulative score of 75% or more. Those who pass the equivalency test must successfully complete the legal training school at MLEA before they are eligible for the certificate. The council will require those who fail the equivalency test to successfully complete the supervisory course and the legal training school at MLEA.

(5) A first-level supervisor is a position above the operational level for which commensurate pay is authorized; occupied by an officer who, in the upward chain of command, principally is responsible for the direct supervision of employees of an agency or is subject to assignment of such responsibilities and most commonly is the rank of sergeant. (History: Sec. 44-4-301 MCA; IMP, 44-4-301 MCA, AMD, 1979 MAR p. 584, Eff. 6/15/79; AMD 1983 MAR p. 604, Eff. 5/27/83.)

23.14.409 REQUIREMENTS FOR THE COMMAND CERTIFICATE In addition to ARM 23.14.403 and 23.14.404 above, the following are required for the award of the command certificate:

(1) Shall possess the intermediate certificate.

(2) Shall have successfully completed the command or mid-management course at MLEA or the equivalency as designated by the POST advisory council.

(3) Currently and for one year prior to the date of appointment shall have served satisfactorily at the command or mid-management level as attested to by the head of the employing agency.

(4) Peace officers with out-of-state experience and training at the command level and are employed at that level by Montana law enforcement agencies are eligible if they:

(a) Currently and for a period of one year prior to the date of application shall have served satisfactorily at the command or mid-management level as attested to by the head of the employing agency, and

(b) Have successfully completed a command or mid-management course recognized by the POST advisory council as equivalent to such course requirements in Montana, and

(c) The council shall review the officer's training, education and experience background to determine if the officer meets or exceeds all of the requirements for the command certificate. If not, the council shall deny the application and notify the officer what is necessary for the officer to meet the requirements.

(5) The command or mid-management level is a position above the first-level supervisor for which commensurate pay is authorized, occupied by an officer who, in the upward chain of command, principally is responsible for directing and coordinating functional units of an agency or is subject to assignment of such responsibilities and is commonly the rank of lieutenant or captain. (History: Sec. 44-4-301 MCA; IMP, 44-4-301 MCA, AMD, 1979 MAR p. 584, Eff. 6/15/79; AMD, 1983 MAR p. 604 Eff. 5/27/83.)

23.14.410 REQUIREMENTS FOR THE ADMINISTRATIVE CERTIFICATE In addition to ARM 23.14.403 and 23.14.404 above, the following are required for the award of the administrative certificate:

(1) Shall possess the advanced certificate.

(2) Shall have successfully completed the administrative or management course at MLEA or the equivalency as designated by the POST advisory council.

(3) Currently and for a period of one year prior to the date of application shall have served satisfactorily at the administrative or management level of the employing agency.

(4) Peace officers with out-of-state experience and training at the administrative level and are employed at that level by Montana law enforcement agencies are eligible if they:

(a) Currently and for a period of one year prior to the date of the application shall have served satisfactorily at the administrative level as attested to by the head of the employing agency, or if the applicant is the head of the employing agency, serving satisfactorily as to the knowledge of the POST advisory council, and

(b) Shall have successfully completed an administrative course recognized by the POST advisory council as equivalent to such course requirements in Montana, and

(c) The council shall review the officer's training, education and experience background to determine if the officer

meets or exceeds all of the requirements for the administrative certificate. If so, the council will award the certificate. If not, the council shall deny the application and notify the officer as to what is necessary for the officer to meet the requirements.

(5) The administrative or management level is the top position which commensurate pay is authorized, occupied by an officer who, in the upward chain of command, is either responsible for administering the agency or has broad administrative authority or is subject to assignment of such responsibilities and most commonly is a chief of police, sheriff, undersheriff or assistant chief of police. (History: Sec. 44-4-301 MCA; IMP, 44-4-301 MCA, AMD, 1979 MAR p. 584. Eff. 6/15/79; AMD, 1983 MAR p. 604, Eff. 5/27/83.)

23.14.411 PURPOSE OF CERTIFICATES AND AWARDS (1) Certificates and awards may be presented by the POST advisory council for the purpose of raising the level of competence of law enforcement and to foster cooperation among the council, agencies, groups, organizations, jurisdictions, and individuals.

(2) Certificates and awards remain the property of the board of crime control and the board shall have the power to cancel or recall any certificate or award upon due cause determined by the board.

(3) Basic, intermediate, advanced, supervisory, command and administrative certificates are established for the purpose of fostering professionalization, education, and experience necessary to perform adequately the duties of the law enforcement service. (History: Sec. 44-4-301 MCA; IMP, 44-4-301 MCA, NEW, Eff. 12/5/73; AMD, 1978 MAR p. 720, Eff. 5/26/78; AMD, 1979 MAR p. 584, Eff. 6/15/79.)

23.14.412 QUALIFICATIONS FOR CERTIFICATION OF LAW ENFORCEMENT ACADEMY AND TRAINING COURSES (1) The board establishes the following requirements for certification of the Montana law enforcement academy to present one or more of the prescribed courses and other courses:

(a) The administrator shall be responsible for scheduling, presentation and general administration of the mandated training programs, regional training programs and other specialized training programs certified by the peace officers standards and training advisory council and presented or sponsored by the academy.

(b) The administrator shall be responsible for the selection of instructors and for the preparation, maintenance and proper filing of all reports and records required by the council on those courses presented or sponsored by the law enforcement academy.

(c) For certification purposes, any training facility utilized by the Montana law enforcement academy or by any agency

sponsoring a POST certified specialized regional training course must meet the following standards:

(i) classrooms must be comfortable and well-lighted with a seating capacity of not less than 20 or more than 60;

(ii) when applicable, must provide the facilities and equipment necessary for training in defensive tactics;

(iii) when applicable, have or obtain access to a firing range which will have sufficient lighting to conduct safe night firing exercises;

(iv) provide such equipment and instructional devices necessary for any training;

(v) on-site inspection of any facility utilized by the academy or by any sponsoring agency may be conducted by the staff of the POST advisory council according to the above requirements and those contained in POST-10(73) inspection form for law enforcement training facilities. When the council staff does not conduct the inspection, the academy administrator shall file an inspection form with the council at the time of filing the reports required at the completion of the course. The course coordinator of the sponsoring agency will file the form with the academy administrator at the completion of regional courses sponsored by the agency.

(d) The Montana law enforcement academy shall operate continuously on a yearly schedule and be maintained by a full-time staff.

(e) It shall be the responsibility of the academy administrator to follow the required reporting procedures and monitor the standards for training, trainee attendance and performance as set by the board of crime control for any courses presented or sponsored by the law enforcement academy.

(f) Within 20 days after the completion of any training course presented or sponsored by the law enforcement academy, the academy administrator shall submit to the peace officers standards and training advisory council the final course grade score and firearms qualification score (if applicable) of each trainee attending the course. The pink copy of POST-12(73) form notice of course completion will be used for this.

(g) Attendance records and master copies of each examination given shall be retained by the academy for at least one year after the completion of the course.

(2) For the purposes of ARM 23.14.412, 23.14.413 and 23.14.419, the following definitions are used:

(a) Roll-call training is instruction or training of short duration, one hour or less, within any law enforcement agency, conducted when officers change shifts.

(b) On-the-job training is instruction, training or skill practice rendered to an officer by another officer or officers on a tutorial basis during a tour of duty while performing the normal activities of that officer's employment.

(c) In-service training is training provided within a law enforcement agency of less than 15 hours duration utilized to review the skills and knowledge for those officers in need of retraining.

(d) Specialized training are courses of 15 hours or more duration meant to impact specific in-depth knowledge or skills or provide new techniques, new operational procedures and new developments in the law.

(3) These regulations do not apply to roll-call training, on-the-job training or in-service training.

(4) These regulations apply to specialized training provided by the Montana law enforcement academy and to certified regional schools.

(5) Requirements for regional training courses presented or sponsored by the law enforcement academy are:

(a) Such courses must meet the requirements contained in subsection (1) above, the requirements for trainee attendance and performance and the instructor requirements;

(b) Such courses must meet the definition of specialized courses;

(c) The courses will be based on the needs or requests of law enforcement agencies in the region or by a training needs assessment;

(d) The courses must be presented on consecutive days of not less that six hours a day and the last day may not be less than three hours; and

(e) Law enforcement agencies requesting the law enforcement academy to present a regional training course must notify the academy not less than 60 days before the commencement of the course. If the academy administrator decides the course meets the criteria and the academy can accommodate the request, the administrator will assign staff to establish the curriculum, schedule the course, assign the instructors, coordinate the training activities and administer the course.

(6) Certification requirements for regional courses presented or sponsored by law enforcement agencies are:

(a) Any law enforcement agency requesting certification of a regional training course that is not administered by the law enforcement academy must notify the law enforcement academy administrator not less than 35 days before the commencement of the course;

(b) The course must be justified either by a training needs assessment survey conducted by the POST advisory council or the requesting agency must show a need for the course and can demonstrate that need;

(c) Each course must be advertised and open to all other law enforcement agencies in the area or region of the requesting agency;

(d) The course must meet the requirements of this rule, 23.14.412, and:

(i) the requirements for training facilities of subsection (1)(c) above;

(ii) the course must be a minimum of 15 hours, must be presented on consecutive days of not less than six hours a day and the last day may not be less than three hours;

(iii) meet the requirements for instructors of ARM 23.14.419;

(iv) the academy administrator may require that instructors submit lesson plans and course objectives to determine if the lesson plans meet the objectives of the course;

(v) the requirements for trainee attendance and performance of ARM 23.14.413 which includes the maximum number of trainees for any regional training course shall not exceed 60 and the minimum number of trainees shall not be less than 10.

(e) A qualified course coordinator will be assigned by the academy administrator to coordinate and administer the course;

(f) The course coordinator shall be responsible for monitoring the standards for training, trainee attendance and performance, instructor performance, and, within 10 days of completion of the course, submit to the academy administrator on POST form 12(73) green copy the final course grade and firearms qualification score (when applicable) of each trainee attending the course;

(g) All costs and expenses associated with the course shall not be assessed to the law enforcement academy;

(h) The course must be a specialized training course as defined in these rules; and

(i) The sponsoring law enforcement agency shall be responsible for maintaining attendance records and master copies of each examination given for at least three years after the completion of the course.

(7) Requirements for course coordinator:

(a) Must be a certified instructor;

(b) Must have completed a course on monitoring, coordinating and administering certified training courses;

(c) Must have the respect for fairness, honesty, moral character and objectivity amongst his or her peers;

(d) Must be qualified and appointed by the law enforcement academy administrator with the consent of the POST advisory council; and

(e) Must have the endorsement of the law enforcement administrator of the coordinator's employing agency if serving in the capacity of a peace officer.

(8) Waivers may be authorized by the POST advisory council for good cause and unusual circumstances. (History: 44-4-301 MCA; IMP, 7-32-303 and 7-32-4112 MCA; NEW, Eff. 12/5/73; AMD, Eff. 5/1/77; AMD, Eff. 4/4/77; AMD, 1981 MAR p. 1904, Eff. 12/31/81; AMD, 1984 MAR p. 881, Eff. 6/1/84.)

23.14.413 CERTIFICATION REQUIREMENTS FOR TRAINEE ATTENDANCE AND PERFORMANCE (1) The academy administrator shall not accept admittance of any individual who has not met the minimum selection standards under the provision of ARM 23.14.402 as set by the board of crime control except elected sheriffs and those peace officers hired before the effective date (12/5/73) of the rule. Waivers may be authorized by the board of crime control for good cause and unusual circumstances for those individuals who do not meet the selection standards upon the written application of that individual's agency head submitted at least 15 days prior to the commencement of the course.

(2) Trainees enrolled in any POST certified course shall be admitted only in accordance with rules of eligibility and admission as either contained herein or contained in the course offering announcement.

(3) No individual shall be admitted to any course unless he is 18 years of age.

(4) Each trainee shall be required to attend all sessions of any training course in which he is enrolled except for approved absences by the academy administrator or his designated representative. No trainee shall receive credits for certification if his unexcused absences exceed 10% of the total hours for the course. The academy administrator or his designated representative shall terminate any trainee whose unexcused absences exceed 10%.

(5) The academy administrator shall immediately advise in writing to the head of the trainee's employing agency and to the council any trainee who voluntarily or involuntarily terminates his training before the completion of any course. The academy administrator shall write a detailed report to the head of the trainee's employing agency and to the council any conduct that is unbecoming or unethical on the part of any trainee.

(6) Each trainee enrolled in any training courses may be required to personally prepare and maintain an acceptable notebook for permanent retention of class notes and supplementary material. Notebooks will be examined by the academy staff to ensure neatness, content, and quality and to assist in determining final grade score.

(7) To receive credit for certification of the basic training course, the trainee must achieve 70% out of a total possible 100% in a final grade score. To receive credit for certification of any other training course, the trainee must achieve 75% out of total possible 100% in a final grade score. Pretest scores shall not be considered in developing final grade scores on course completion.

(8) Percentage development for final grade score must have the approval of the POST advisory council.

(9) The trainee enrolled in the basic course shall achieve a firearms qualification of not less than 80% out of a possible 100% to receive credit for certification. The trainees enrolled in all other courses which include firearms qualification in the curriculum shall achieve a firearms qualification score of not less than 80% out of a possible 100% to receive credit for certification.

(10) The maximum number of trainees for the basic course shall be 40. The maximum number of trainees for any regional training course shall be 60 and the minimum number of trainees shall be 10.

(11) Any trainee who fails to comply with these rules pertaining to his attendance, performance and behavior may result in a denial of credits for certification.

(12) Failure on the part of the academy staff, training instructors or heads of law enforcement agencies to comply with the rules contained herein may result in either denial of course certification or a revocation of course certification.

(13) Waivers may be authorized by the board for good cause and unusual circumstances shown upon the written application of the academy administrator. (History: 44-4-401 MCA; IMP, 7-32-303 AMD, 7-32-4112 MCA; NEW, Eff. 12/5/73; AMD, Eff. 5/1/77; AMD, Eff. 4/4/77; AMD, 1981 MAR p. 1905, Eff. 12/31/81; AMD, 1984, MAR p. 881, Eff. 6/1/84.)

23.14.414 QUALIFICATIONS FOR INSTRUCTORS (IS HEREBY REPEALED).
(History: 44-4-301 MCA; IMP, 44-4-301 MCA; NEW, Eff. 12/5/73; AMD, Eff. 5/1/75; AMD, Eff. 5/5/77; REP, 1984 MAR p. 881, Eff. 6/1/84.)

23.14.415 CODE OF ETHICS (1) Regulations governing certification of peace officers requires that the law enforcement code of ethics shall be administered as an oath.

(2) Procedures:

(a) Each application for certification will attest to the law enforcement code of ethics and the oath shall be administered by the head of the law enforcement agency in which he serves, or by an authorized school director.

(b) The applicant and the officer administering the oath will sign two copies of the law enforcement code of ethics.

(c) One copy will be retained by the applicant and the other copy will be retained in the applicant's personnel file which will be available for inspection by the POST advisory council staff at any reasonable time.

(3) The law enforcement code of ethics: As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard the lives and property, to protect the innocent against deception, the weak against oppression or intimidation,

and the peaceful against violence or disorder; and to respect the constitutional rights of all men to liberty, equality and justice.

(4) I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

(5) I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

(6) I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God and my chosen profession...law enforcement. (History: Sec. 44-4-301 MCA; IMP, 44-4-301 MCA, NEW, Eff. 12/5/73.)

23.14.416 THE BASIC COURSE (1) The amount of training for which certification will be granted in the basic course shall be not less than 330 hours of instruction.

(2) Requirement -- Successful completion of not less than 330 hours of instruction in the following minimum prescribed subject areas at a training school certified to present the basic course:

(a) Introduction to law enforcement and police ethics - 4 hours

(b) Criminal law, procedures and liability - 37.5 hours

(c) Crime scene protection, processing, evidence preparation and handling - 52 hours

(d) Case preparation, courtroom procedure and moot court - 16 hours

(e) Patrol procedures - 62 hours

(f) Traffic - 16 hours

(g) Juvenile procedures - 4 hours

(h) Defensive tactics - 12 hours

(i) Human behavior and abnormal behavior - 10 hours

(j) Interpersonal communications and interviewing techniques - 9.5 hours

(k) Threat response - 12 hours

(l) Firearms safety, fundamentals, maintenance and practical - 46 hours

(m) Written examinations and graduation - 6 hours

(3) Course change: The council may approve changes from the course content listed in this specification upon written application from the school director presenting evidence that such change is compatible with the public interest. (History: Sec. 44-4-301 MCA; IMP, 44-4-301 MCA, NEW, Eff. 12/5/73; AMD, Eff. 5/1/75; AMD, 1986 MAR p. 1023, Eff. 6/13/86.)

23.14.417 THE INTERMEDIATE COURSE (1) The amount of training for which certification will be granted in the intermediate course shall be not less than 80 hours of instruction.

(2) Requirements - Successful completion of 80 hours of instruction in the following minimum prescribed subject areas at a training school certified to present the intermediate course.

(a) Orientation - 1/2 hour

(b) Legal update and the exclusionary rule - 6 hours

(c) Civil liabilities - 2 hours

(d) Crime scene photography - 6 hours

(e) Interrogations and interviews - 6 hours

(f) Advanced abnormal psychology - 6 hours

(g) Principles of investigation - 8 hours

(h) Death investigation - 6 hours

(i) Arson investigation - 7.5 hours

(j) Deviant sexual behavior - 6 hours

(k) Child abuse and domestic abuse - 4 hours

(l) Rape, incest and child molestation - 6 hours

(m) Surveillance techniques - 4 hours

(n) Proactive investigations - 4 hours

(o) Counterfeiting, forgery and false documents - 4 hours

(p) Juvenile procedures - 2 hours

(q) Written test - 2 hours

(3) Course change: The council may approve changes from the content listed in this specification upon written application from the school director presenting evidence that such change is compatible with the public interest. (History: 44-4-301 MCA; IMP, 44-4-301 MCA, NEW, Eff. 5/1/75; AMD, 1986 MAR p. 1023, Eff. 6/13/86.)

23.14.418 THE ADVANCED COURSE (1) The amount of training for which certification will be granted in the advanced course shall be not less than 72 hours.

(2) Requirement -- Successful completion of not less than 72 hours of instruction in the following minimum prescribed subject areas at a training school certified to present the advanced course:

(a) Orientation and introduction - 1/2 hour

(b) Legal update, legal concepts and liabilities - 8 hours
(c) Management and supervision concepts - 4 hours
(d) Media response - 2 hours
(e) Current issues in policy - 4 hours
(f) Dealing with the mentally ill and handicapped - 4 hours
(g) Case management - 8 hours
(h) Crisis management update - 8 hours
(i) Advanced interrogation technique - 16 hours
(j) Officer stress and burn-out - 4 hours
(k) Physical fitness program - 3 hours
(l) Research project - 8 hours
(m) Examination - 2 hours

(3) Course changes: The council may approve changes from the course content listed in this specification upon written application from the school director presenting evidence that such change is compatible with the public interest. (History: 44-4-301 MCA; IMP, 44-4-301 MCA, NEW, Eff. 12/5/73; AMD, Eff. 5/1/75; AMD, 1986 MAR p. 1023, Eff. 6/13/86.)

23.14.419 INSTRUCTOR CERTIFICATION REQUIREMENTS (1) This regulation is to assure that all law enforcement instructors certified by the POST advisory council possess minimum qualifications.

(2) This regulation shall apply only to the Montana law enforcement academy staff instructors and instructors who are providing courses of instruction at a law enforcement regional school certified by the POST advisory council.

(3) To qualify as a certified instructor, the person shall apply to the council, on a form approved by the POST advisory council, and shall meet the following requirements:

(a) Three years of law enforcement experience or experience in the specific field, subject matter or academic discipline to be taught;

(b) A bachelor's degree; a higher degree; or lacking an academic degree, applicant must have a minimum of a high school diploma or the GED equivalency stated in section 7-32-303 (2)(f) MCA, and must have successfully completed an instructor's course of council approved classroom instruction;

(c) Be of good moral character;

(d) Must have sincere interest, ability and desire to instruct law enforcement officers, as supported by a signed statement from the applicant's agency head or training school director;

(e) Submission of a sample lesson plan which includes a unit description and unit objectives;

(f) In those instances where the council deems the three years experience is not necessary or pertinent to the subject matter, the council may waive this requirement.

(4) The POST advisory council will certify approved instructors to instruct in those specific subjects for which the council has found them qualified. Each certified instructor shall be listed in an official register of the council, and each subject that each instructor is certified to teach shall be noted in said register. The register will be published every two years with a supplement published on the odd years.

(5) Any applicant for an instructor's certificate who is employed by a public law enforcement agency shall be endorsed by the agency head. If he is employed by the Montana law enforcement academy, he shall be endorsed by the academy administrator. The council may require recommendations as to proficiency for other applicants.

(6) Instructor certificates shall be issued for periods of 24 months. At the end of a 24 month period, certificates may be renewed by the council if the instructor has participated in approved training programs during the period of the certificate, and:

(a) The council may request recommendations from persons acquainted with the proficiency of the instructor and request any evaluations made of the instructor;

(b) The council may request evidence of instructors keeping their proficiency current by studies or research;

(c) In order to determine an instructor's capabilities, each certified instructor shall, where practical, be monitored by a MLEA staff supervisor or by a person designated by the council to monitor instructors within 12 months following certification or after the instructor begins teaching.

(7) After four years of continuous certification instructors may, at the discretion of the council, be certified for four years.

(8) Records of courses not certified by the council but taught by certified instructors should be kept by the sponsoring agency. The records should show the course schedule, number of hours and subject matter the instructor taught. This is necessary to verify the experience of the certified instructors for certificate renewal.

(9) The council may deny applications for instructor certification for failure to satisfy the required qualifications and may revoke certificates at any time for demonstrated incompetence, immoral conduct or other good cause to ensure the quality of the training programs. In addition, any instructor who has not instructed during the 24 month period of certification shall be required to apply for original certification after that time or the council may deny a request to renew the certificate.

(10) In cases of renewal of certification, the council may, on written request by the instructor applicant, waive any of the requirements.

(11) Applications for instructor certification and renewal shall be investigated and reviewed by the council. Action on the application shall be made at the council's first regularly scheduled meeting following the council's investigation and review of the application.

(12) Whenever the council denies an application for certification, denies a renewal of certification or revokes an existing certification, the council will notify the applicant or holder within 15 days from the date of the council's action. Persons so notified will have 30 days from the date of receipt of notification to file with the council a written appeal of the denial or revocation. An informal hearing of the appeal will be held at the next regularly scheduled meeting of the council. If the council upholds the decision to deny or revoke, the applicant or holder has 30 days from the date of the informal hearing to appeal to the board of crime control for a formal hearing. During the period of the appeal, the certificate shall be suspended.

(13) No person shall act in the capacity of a certified instructor for the council or MLEA unless that person has been certified as an instructor by the council.

(14) Those persons who have been invited by the council or MLEA as guest instructors shall submit to the council a detailed resume, course outline and lesson plan for the body of instruction to be taught. This material shall be submitted at least 35 days prior to the commencement of the course. Such guest instructors are not required to be certified.

(15) Qualified secondary and post-secondary education instructors may be waived from the certified instructor requirements at the discretion of the council. (History: 44-4-301 MCA; IMP, 44-4-301 MCA; NEW, 1984 MAR p. 881, Eff. 6/1/84.)

Rules 20 through 22 reserved.

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23.14.423 MINIMUM STANDARDS FOR THE EMPLOYMENT OF DETENTION OFFICERS (1) Any person employed in the state of Montana by any detention center administrator to work as a detention officer in a detention center, after the effective date of this rule, must meet or exceed these minimum standards:

(a) Be a citizen of the United States or may be a registered alien if unsworn;

(b) Be at least 18 years of age;

(c) Be fingerprinted and a search made of the local state and national fingerprint files to disclose any criminal record;

(d) Not have been convicted of a crime for which he could have been imprisoned in a federal or state penitentiary;

(e) Be of good moral character, as determined by a thorough background investigation;

(f) Be a high school graduate or have passed the general education development test and have been issued an equivalency certificate by the superintendent of public instruction or by an appropriate issuing agency of another state or of the federal government;

(g) Be examined by a licensed physician, who is not the applicant's personal physician, appointed by the employing authority to determine if the applicant is free from any mental or physical condition that might adversely affect performance by the applicant of the duties of a detention officer;

(h) Successfully complete an oral examination conducted by the appointing authority or its designated representative to demonstrate the possession of communication skills, temperament, motivation, and other characteristics necessary to accomplishment of the duties and functions of a detention officer; and

(i) Possess a valid driver's license if driving a vehicle will be part of the detention officer's duties.

(2) The terms "detention officer", "detention center" and "detention center administrator" are those defined in 44-4-302, MCA. (History: 44-4-301 MCA; IMP, 7-32-303, 44-4-301 MCA; NEW, 1989 MAR p. 2065, Eff. 12/8/89.)

23.14.424 REQUIREMENTS FOR DETENTION OFFICER CERTIFICATION

(1) Detention officers must meet or exceed the minimum employment standards established for such officers.

(2) Detention officers must, within their first year of initial employment, complete a detention officers basic course as provided by MLEA or equivalent training as determined by the POST advisory council.

(3) Shall have served at least one year with the present employing agency and has completed a one year probationary period and is satisfactorily performing his duties as attested to by the head of that agency.

(4) As a requirement for continuing employment, any detention officer employed before the effective date of this

rule must, within 24 months of the effective date of this rule, complete the educational requirements of this rule or submit evidence of having completed an equivalent course as determined by the POST advisory council or forfeit the position of detention officer.

(5) A detention officer who has successfully met the employment standards and qualifications and the educational requirements of this section and who has completed a one year probationary term of employment shall, upon application to the POST advisory council, be issued a basic certificate by the council certifying that the detention officer has met all the basic qualifying detention officer standards of this state. (History: 44-4-301 MCA; IMP, 44-4-301 MCA; NEW, 1989 MAR p. 2065, Eff. 12/8/89.)

23.14.425 REFERENCED ADMINISTRATIVE RULES OF MONTANA APPLY TO FULL-TIME AND PART-TIME DETENTION OFFICERS (1) By reference, the following Administrative Rules of Montana apply to detention officer certification and training:

(a) Rule 23.14.404 General Requirements for Certification;

(b) Rule 23.14.411 Purpose of Certificates and Awards;

(c) Rule 23.14.412 Qualification for Certification of Law Enforcement Academy and Training Courses;

(d) Rule 23.14.413 Certification Requirements for Trainee Attendance and Performance;

(e) Rule 23.14.419 Instructor Certification Requirements.

(2) The term "detention officer" is that which is defined in 44-4-302, MCA. (History: 44-4-301 MCA; IMP, 44-4-301 MCA; NEW, 1989 MAR p. 2065, Eff. 12/8/89.)

NEXT PAGE IS 23-501

PROCEDURES AND GUIDELINES

OF THE

PEACE OFFICERS STANDARDS AND TRAINING ADVISORY COUNCIL

THE SELECTION PROCESS FOR PEACE OFFICERS

Because of federal and state laws prohibiting certain kinds of employment discrimination, the POST Advisory Council warns all agencies to use extreme care in rejecting any applicant. Whenever an applicant is rejected, the law enforcement agency must have valid grounds for the rejection.

All law enforcement agencies should establish procedures designed to select only those applicants who possess the necessary physical, mental, and emotional characteristics demanded by the profession. To assist agencies in making this determination and to aid the POST Advisory Council in evaluating an applicant's qualifications for subsequent certification, the following process should be followed:

1) Whenever a person wishes to apply for a law enforcement position and the agency is seeking applicants, a preliminary application may be completed and filed by the applicant. At this time, information regarding the minimum qualifications of 7-32-303, MCA, and the agency's requirements may be provided to the applicant. POST 1(82) form, "Preliminary Application", may be requested from the POST Council for agency use.

2) The applicant should be scheduled for a written examination. The examination should be approved by the POST Advisory Council, should be fully standardized and validated, and should measure the applicant's intelligence sufficiently to indicate whether he can effectively deal with the complex situations arising in law enforcement and can derive the maximum benefit from the training process. See Appendix A. Applicants who do not pass the examination should be rejected.

3) The POST Council has developed a physical skills test to measure an applicant's ability to perform the physical tasks required of a law enforcement officer. The Council highly recommends using this test. The test can be administered the same day as the written test. See Appendix B for specific details.

4) Applicants who have passed the written and physical ability tests should be given a form which includes a detailed personal history statement to be completed and returned. A naturalized citizen should present his naturalization papers with the personal history statement. When returned, the form should be reviewed to screen applicants who do not meet the minimum qualifications. POST 1-A(82) form, developed by the POST Council and approved by EEO, is available upon request.

5) Applicants must be fingerprinted and a search made of local, state and national fingerprint files. This is required by Section 7-32-303, MCA. This can be done when the personal history statement is returned. Copies of the record checks should be retained in the applicant's personnel file. Applicants who do not meet the minimum qualifications should immediately be rejected.

6) A thorough background investigation, as required by 7-32-303, MCA, should be conducted with the personal history statement as the basis of the investigation. Whenever practical, the employing agency should assign a skilled investigator to do the background investigations. The investigator should use the procedures outlined by POST on pages 3-13 through 3-23. POST form 3-73 (Background Investigation) and the other forms contained in the sections on background investigations have been developed for agencies to use.

When the results of any psychological tests have been received from the psychologist or psychiatrist and indicate some mental condition that may be detrimental to an applicant's ability to perform as a peace officer, the background investigator should be assigned to determine if the condition has ever been exhibited by the applicant. Applicants who are found to be unfit to serve as peace officers should be rejected. If conducted properly, the background investigation should eliminate more applicants than any other step in the hiring process. Care should be taken that the thoroughness of the background investigation not be influenced by any unlawful discriminatory factor; for example, the degree of scrutiny given to an applicant's background should be independent of the applicant's race, sex or religion.

7) All applicants who have successfully completed the process to this point must be interviewed. This is required by 7-32-303, MCA. This may be accomplished by a board or, if an agency is small and unable to form a board, by the agency administrator. The applicant should be interviewed on the basis of identifiable characteristics that are directly related to the law enforcement tasks the applicant can be expected to perform. The applicant should be rated and scored on an interview form. A structured interview is recommended by the POST Council. This should consist of questions and job simulations that officers might encounter. These questions or simulations should involve conflicts of ethics and personal loyalty, ability to cope with stressful situations, self-insight, and motivation for police work. Background issues based on the personal history record of the individual should be examined by the oral board. The applicant should be rated on oral communication skills, appearance and demeanor, ability to deal appropriately with pressure, maturity, appropriate judgement, emotional

stability, and an overall rating for suitability for police work. A category for board members to comment should also be provided.

8) A total score for each applicant should be computed from the scores obtained from examinations which have scoring results. The applicant with the highest total score should be considered first when a vacancy occurs in the agency. All offers of employment at this point must be conditional on the results of a medical examination conducted prior to the employee's entrance on duty. (Check Appendix A for information regarding Veteran's Preference points and total scores.)

9) Although most national authorities on the selection of law enforcement officers recommend administering psychological tests to applicants, to this date no tests have been developed that are specifically designed for the law enforcement occupation. The problem has been for psychologists to develop a test that identifies personality and behavioral attributes that impair or enhance law enforcement job performance. The paper and pencil tests generally administered by psychologists and psychiatrists to law enforcement applicants have been developed through studies of other occupational groups, the general public or even the population of the prisons. (See Appendix D for more details on psychological testing.) Taking note of this, the POST Council recommends the use of psychological tests for the purpose of pointing out probable personality problems to be investigated further by the background investigator and to disqualify those applicants with psychotic or neurotic disorders. When it is economically feasible, paper and pencil tests should be followed up with a personal interview by the psychologist or psychiatrist. To save money by administering psychological tests to the smallest possible number of applicants, the tests may be given in the selection process after the oral interview and prior to the medical examination.

10) A medical examination, required by 7-32-303, MCA, must be given to those applicants who have reached this stage of the process and, except for this, are eligible for hire. See Appendix C. The examination should be administered by a competent physician or surgeon, selected by the agency, utilizing a medical examination form. To assist the doctor, the applicant should complete a health questionnaire form and present it to the doctor before the examination. To assist agencies in gathering this information, POST has developed a medical examination, Form 4-73, and a health questionnaire, Form 2-73. These are available from the POST Council upon request.

Medically relevant information derived from other assessment techniques such as background investigation should be integrated with the results of the medical examination to produce the most informed medical decision. Applicants who are found to be medically unfit to serve as law enforcement officers should be rejected.

Each agency should have a written policy outlining the steps an applicant may take in appealing medically-based rejections, and an applicant should be notified of this policy.

To summarize, these are the sequential steps involved in the selection process as recommended by the POST Council:

1. Preliminary application is filed by the applicant;
2. Applicant is notified of the time, place and conditions of the written and physical ability tests;
3. Successful applicants file a personal history statement and are fingerprinted;
4. Background investigation is conducted;
5. Oral interview is administered;
6. Any psychological tests are conducted and evaluated on successful applicants;
7. Successful applicants are placed on an eligibility list;
8. Just before employment, the medical examination is administered to those selected from the eligibility list;
9. Successful candidates from this list are employed as openings occur; and,
10. Eligibility lists should be valid from one to two years.

QUALIFICATIONS

The qualifications for certain classes of peace officers in Montana are found in Section 7-32-303, MCA. The section is titled "Peace officer employment, education and certification standards." The seven classes of peace officers included in the code are deputy sheriff, undersheriff, police officer, highway patrolman, fish and game warden, campus security officer and airport police officer. The sheriff, being an elected official, is not included. A copy of this code is in the legislative code section of this manual.

Definitions of these peace officers are contained in various sections of the Montana Codes and most are obvious as to who they are. For further clarification, campus security officers are appointed, authorized and controlled according to Sections 20-25-321 through 20-25-324, MCA, for units of the University System. Airport police officers are appointed and authorized by Sections 67-10-301 and 67-11-204, MCA, for airport authorities or boards.

MONTANA PEACE OFFICERS STANDARDS AND TRAINING ADVISORY COUNCIL

Guide on the use of the Personal History Statement, POST 1-A(80)

Place in the Selection Process:

The first step, of course, is the filing of the preliminary application by the applicant. When the applicant meets the minimum requirements, the next step may be, after proper notification, to administer the physical skills test and the written tests. When the applicant passes these requirement, a personal history statement should be completed. The applicant is now a serious contender for a position with the agency. This form should not be required until this point in the selection process as it requires some time and effort to complete and may have a tendency to discourage some potential applicants from applying.

Purpose of the Personal History Statement:

This form should not be considered a replacement for the background investigation, but rather as a tool to assist in the background investigation. The purpose of the form is to provide information regarding the character and moral fitness of the applicant for a peace officer position and furnish leads to such information. The information given by the applicant or obtained through the background investigation is private. This information must not be revealed to anyone, other than the applicant himself (or someone with the applicant's consent), and those persons expressly authorized to evaluate the applicant. The information is gathered and should be used for the sole purpose of allowing the appointing authority or its designated representative to make a sound judgement as to the applicant's qualifications as a peace officer in its organization.

Instructions on Completing the Personal History Statement:

Each applicant, when provided the form, should receive instructions on how to fill it out, including the necessity for complete and truthful responses. The applicant should be advised that the background investigation will be based on the form and any misrepresentations or falsifications may be grounds for rejection or dismissal. When there is insufficient space on the form for their response, the applicant should be instructed to place the question number on another sheet of paper and continue the response after the number. Instruct the applicants to return the completed form along with documents for verifying citizenship, age, educational achievements, military discharge when applicable, etc. The applicants should be permitted several days to complete the form.

Contents of the Form:

Because of the nature of law enforcement and the arrest and discretionary powers given to peace officers, the standards for character and morals are much higher than those of other occupations. The only reason for the selection process is to establish strict job-related requirements that will select only those individuals who are suitable for law enforcement and reject all others who are not. Therefore, law enforcement agencies do have some latitude in the questions that may be asked of an applicant. there are several questions contained in the form that are considered suspect regarding age, sex and national origin which could be used to discriminate. These are question 2 on sex and question 5 on date and place of birth. These questions have been allowed only for the purpose of verifying the identity of the applicants and determining if they meet the statutory age and citizenship requirements. These questions cannot be used for any other purpose. To do so would invite an action against the agency citing a violation of the state and federal laws regarding sex, national origin and age discrimination.

Question 7 is asked to determine if the applicant was responsible and of good moral character while serving in the military. It is asked also to verify the applicant's qualification for veterans' preference. No decision to hire or not to hire should be made on the basis of whether or not the applicant served in the military.

Question 8 is asked to determine if the applicant meets the basic educational requirements. College experience could enhance an applicant's ability to perform law enforcement work, but should not be used as a basis of whether or not to hire.

Questions on marriage status, family relationships and dependents can be asked after the applicant has been hired and have no bearing on the applicant's qualifications. If the agency has a policy of interviewing the spouse of an applicant, if married, the applicant can be asked at this time to identify the spouse.

Question 9 is asked to determine if the applicant has special qualifications or skills that would enhance the ability to perform law enforcement duties.

Question 10 is used to determine if the applicant meets the driver license requirement.

On question 11, the applicant's past work record is usually a good predictor of the applicant's future work habits. Past working relationships and habits are good clues as to how the applicant will perform in the future.

Question 12 determines if the applicant meets the requirement of not having a felony conviction. It is also asked to determine the applicant's moral character, respect for the law and general responsibility.

Question 13 is asked to provide leads to past and present neighbors who can be interviewed to ascertain the reputation, general conduct and civic-mindedness of the applicant.

Credit references asked for in question 14 are to determine the applicant's reliability in financial obligations and if the total indebtedness is within the ability to pay. Law enforcement officers are often exposed to an excessive degree of temptation. Those without credit problems seem to have less difficulty in resisting temptation than those with such problems. Character references are used to give an insight on the physical and moral courage of the applicant. They can also be used to furnish additional leads to persons who may render a more objective opinion of the applicant's character and habits than the references furnished by the applicant.

Question 15 is asked to determine if the applicant will uphold the Constitution and will be objective in enforcing the laws of the federal, state and local governments.

Care should be used in question 16 to instruct the applicant that the incidents referred to may be where the applicant has been made the subject of derogatory rumors or accusations or has actually been charged with some offense and the case disposed of in some manner other than a conviction. This allows the applicant to raise the issue first and tell the applicant's side of the story before it is discovered and developed through a background investigation. The law enforcement applicant cannot afford to have any skeletons in the closet that can come back later on, after hiring, and possibly have a drastic affect on the applicant's ability to perform law enforcement duties. Applicants who are open about such past incidents usually inspire the confidence of those performing the evaluation.

Questions regarding the applicant's health are asked on the Health Questionnaire, POST-2(73) form. This should be completed by the applicant at the same time as the Personal History Statement. This allows the background investigator to review it for clues on the applicant's general health status. The applicant also presents the Health Questionnaire to the physician who conducts the medical examination to familiarize the physician with the applicant's health history.

Questions about the applicant's financial status are not pertinent at the beginning of the selection process. In all probability, this information will be picked up in the background investigation. Questions regarding national guard, reserve or selective service status and foreign language ability are also not pertinent to the selection process and may be obtained after the applicant is hired.

Be sure the applicant dates and signs the form before returning it to the agency with all of the required documents. Agencies who follow these instructions on the use of the Personal History Statement will find they have greatly reduced chances of being challenged on a discrimination issue.

Procedures and Guidelines for the Background Investigation

Purpose

The background investigation is probably the most critical part of the selection process. The purpose is to find character traits in the applicant's life which may help to predict whether or not the applicant will be an effective law enforcement officer. The investigation should be conducted by a skilled investigator or in the small agencies by the chief of police or the sheriff. The results should be evaluated to determine whether or not the applicant is suitable for law enforcement.

Requirements and Restrictions

The investigation should include inquiries into the following sources of information for the specific and sole purposes indicated:

1. The Montana Motor Vehicle Division, Drivers Services Section, and the Montana Highway Patrol Accident Records Section to determine the applicant's driving record or appropriate state drivers license section if licensed in another state.
2. The high school and any post-secondary institutions that the applicant attended to determine the educational achievements, character and career potential of the applicant.
3. The Records and Statistics Bureau of the Montana Department of Health and Environmental Sciences and County Clerk and Recorder offices to verify birth, age, marriage and divorce records. Those born in another state can have theirs verified in their state's Bureau of Vital Statistics or County Clerk of Court.
4. All police files in jurisdictions where the applicant has lived, worked or attended school to determine whether any criminal records exist.
5. Records of the Montana Bureau of Identification.
6. Records of the Federal Bureau of Investigation.
7. All previous employers to determine the quality and reliability of the applicant's work record.
8. All personal references supplied by the applicant to determine the applicant's potential and character.
9. The applicant's present neighbors and, where practical, neighbors where the applicant previously resided to determine the applicant's reputation and standing in the community.
10. The applicant's credit records to determine the applicant's credit standing with banks and other commercial establishments.
11. Military records, when applicable, to determine the quality of the applicant's military service.

These guidelines presume that the background investigator is trained and experienced in the techniques of investigation, but may have no experience and training in conducting background investigations. These guidelines will offer

types and sources of information usually necessary for a complete and thorough background investigation with a suggested format for reporting the results of the investigation. All copies of forms are included for securing such information at the end of this guideline.

The same admonition regarding the information contained in the Personal History Statement applies also to the information developed in the background investigation. The information is private and its use is restricted to only evaluating the applicant's suitability for law enforcement.

Persons contacted during the course of the investigation, including the applicant, may have never had personal contact with a peace officer. It is important that each person contacted be left with a feeling that courtesy, integrity and thoroughness are essential qualities of a peace officer and the law enforcement organization the investigator represents.

If, during the course of the investigation, information is discovered that would be cause for rejection of the applicant, the investigator should notify the appointing authority to determine whether to continue the investigation or to terminate it.

Organizing the Investigation

The background investigation begins with the Personal History Statement completed by the applicant and submitted along with documents verifying citizenship, age, educational achievements and when applicable, military discharge papers. The list should include the following:

1. Birth certificate;
2. Naturalization papers (when applicable);
3. Educational documents (when applicable);
   a. High school diploma, or
   b. GED equivalency test, or
   c. College diploma and transcript;
4. Marriage certificate (when applicable);
5. Dissolution of marriage papers (when applicable);
6. Military discharge or certificate of service (when applicable); and
7. Montana driver's license or proof of eligibility.

When possible, secure from the applicant, certified copies of the above required documents. Except for the naturalization record, all documents should be photocopied and returned to the applicant. Federal law prohibits duplicating the record of naturalization. Pertinent information from this document should be recorded and attested to by the investigator and the document returned to the applicant. At this time, a personnel folder should be established in the applicant's name and copies of all documents retained in the folder.

Now is the time to secure the applicant's fingerprints. This is the time also to have the applicant sign and date forms authorizing release of information. Most departments require the investigator to present one release to each source interviewed or have been queried by mail, verifying that the investigation is solely for employment purposes. Have enough forms to cover

all sources of information. It is better to have too many such forms than too few.

Check all documents to be sure the applicant meets the basic requirements. It serves no purpose to conduct an investigation on an applicant who does not meet the basic requirements for the position, such as U. S. citizenship, age, education, etc.

The next step should be to list all names, addresses and telephone numbers of references who will be personally interviewed, arranging them so that they can be contacted in a logical sequence to avoid wasting time and backtracking. To conserve time, arrange appointments by phone calls and provide for a flexible schedule to allow time for pursuing leads developed during the investigation.

You now can list all sources of information which, by necessity, may be contacted by mail. Fingerprints should be sent to the FBI and the state I.D. Bureau. The state driver license section or, when applicable, the foreign jurisdiction where the applicant lived should be queried by mail. If the applicant lived in other law enforcement agency jurisdictions, they should be queried by mail for any traffic or criminal record. For military records information, the form "Authorization for Release of Military and Medical Information" should be sent to the appropriate Military Records Center. A list of these is at the end of the guideline. These inquiries by mail should be sent out as soon as possible. It takes a considerable amount of time to receive information both from the FBI and the Military Records Centers. Remember, self-addressed stamped envelopes always facilitates replies.

Credit Checks

One of the most valuable sources of information and for furnishing additional leads is the local credit bureau. Most urban areas have a credit bureau and it is usually affiliated with the Associated Credit Bureaus, Inc., a national association of credit bureaus reporting individual credit histories. The information available includes name; age; marital status; spouse's name; number of dependents; former addresses; how long at present address; whether the home is owned or rented; occupation; employer; monthly income of husband and wife; paying habits; number of accounts maintained and balances in high or low figure accounts; and case histories of accounts held locally and in other cities. Many law enforcement agencies find it worthwhile to maintain a membership in the local credit bureau, thus assuring them of ready access to essential information. Others prefer to pay on a limited-use-basis for credit service actually rendered.

Other sources of information regarding personal and/or business indebtedness of the applicant are creditors and charge accounts of firms listed by the applicant, also banks, savings and loan associations, loan and bonding companies and credit unions. Most of these institutions will require an "Authorization to Release Information" form signed by the applicant. Information available includes sources of income and amount; location, kind and property owned; amount of indebtedness; credit references and liens. Also some of the information available to credit bureaus are also available to these

institutions. These are all prime sources reflecting the applicant's promptness and consistency of making payments.

Credit checks should be made immediately after the Personal History Statement is reviewed because of the amount of information available and the additional leads obtained. Whenever possible, personal contact should be made with each firm. The opinion of the firm on the candidate's reliability in honoring financial obligations should be obtained. The main question to be answered is the applicant's total indebtedness within the ability to pay.

Personal Interview of the Candidate

After the Personal History Statement has been reviewed, a personal interview of the applicant should take place. This should be done in the applicant's home. If there are any questionable areas noted in the Personal History Statement, these should be clarified at this time. Areas to be explored by the interview should be the applicant's interest and participation in community affairs; membership in social, service, paternal and other organizations and any special skills or abilities possessed. Determine what the applicant does during spare time. Find out what the applicant likes to read. Determine what friends and relatives influence the applicant most.

The investigation should ascertain the applicant's interest in law enforcement. Has the applicant done anything to prepare for a law enforcement career? Does the applicant know anyone in law enforcement? Why did the applicant apply to your particular department?

The applicant should be asked directly about any use of marijuana, opiates, LSD or any other illegal drug use. Investigate the circumstances if the applicant answers "yes" to any of the above.

Interviewing the Spouse

If the applicant is married, the spouse should be interviewed. This interview should also take place in the applicant's home. Be sure the questions asked the spouse of a female applicant are the same as those asked the spouse of a male applicant. The investigator should inform the spouse of the good and bad elements of police work. Care should be exercised not to oversell or downgrade any aspect of this. It is best to be factual and objective in explaining police work to the spouse. If possible, the interview should be without the applicant present. The spouse should be given the opportunity to be fully expressive about any feelings regarding the applicant's employment in law enforcement. If the spouse reflects any displeasure or unusual degree of apprehension, this should be explored as fully as possible. If the spouse's attitude is not supportive of the applicant's desires, this fact is important in considering the applicant's suitability for law enforcement.

While in the home, note its general appearance. Is it clean and orderly? Are the furnishing reflective of the applicant's ability to pay? Does it appear the applicant will be forced to "moonlight?" Note the exterior condition of the home and is the yard well maintained? Is the applicant

responsible for the maintenance of the home? Is there any evidence of luxury items beyond the applicant's means such as expensive vehicles, large boat or spacious swimming pool? Determine if the spouse works and if the applicant is the recipient of outside sources of income such as inheritance resources, investments, financial assistance from relatives, etc.

Personal References

When practical, interview personal references. More information is obtained and the course of the data can be more accurately evaluated. Personal references are valuable sources of information since they may furnish names of the persons not mentioned in the Personal History Statement as having personal knowledge of the applicant. Acquaintances not mentioned by the applicant may render a more objective opinion of the applicant's character and habits than the friendly references offered. Questions to be asked and elaborated on are:

a. How does the applicant display temper?
b. Does the applicant drink when things go wrong?
c. How does the applicant react when confronted with a crisis or dangerous circumstances?
d. Is there any evidence or indication of emotional instability?
e. Is the applicant well adjusted?
f. Will the applicant make a good peace officer? Why?
g. Does the applicant possess high ethics and morals?
h. Is the applicant tolerant of other people and their views or highly prejudicial against other races and religion?
i. Is the applicant honest and trustworthy?
j. What is the general condition of the applicant's health and has the applicant complained of chronic illness or physical disability?
k. What are the applicant's drinking habits?
l. Has the applicant ever been sued?
m. Has the applicant ever used marijuana, illegal drugs, opiates or pills?
n. What type of people does he associate with?
o. Does the applicant get along well with people?
p. What is the applicant's general reputation?
q. Who else knows the applicant well?
r. Have there been instances where the applicant has shown a deviation from consistently good judgement?
s. Is there any reason to question the applicant's physical or moral courage?

While interviewing friends and acquaintances of the applicant, any comments on the general character and reputation of the applicant's immediate relatives should be noted. If derogatory information is developed, it should be pursued to a logical conclusion and the degree of the applicant's association with those relatives should be determined. Relatives and close friends residing locally should be checked in local law enforcement files.

Take complete notes of all interviews so that your final report will accurately reflect what was said. Quotations or paraphrasing are preferred over subjective conclusions. Record the name, address and telephone number of

each person interviewed and include the date, time and location of the interview.

Neighborhood Residence Check

Beginning with the most recent address, try to locate at least three neighbors at each address who are or have been acquainted with the applicant. These should be persons who are not listed as personal references. The investigator should interview each in an effort to ascertain the reputation, general conduct and civic-mindedness of the applicant. Some helpful questions to ask are:

a. How well acquainted are you with the applicant?
b. How does the applicant control displays of temper?
c. What are the applicant's driving habits?
d. How does the applicant get along with neighbors? Was consideration shown to neighbors?
e. If applicable, did the applicant appear to be a good parent and spouse?
f. Did applicant have many parties? If so, were there any problems associated with these?
g. Did applicant control the children and pets?
h. Were there any problems associated with neighborhood borrowing by the applicant?
i. Does the applicant maintain the residence and grounds?
j. Was there any evidence of prejudice displayed by the applicant toward racial, ethnic or religious groups?
k. Do you know of any involvement in law suits by the applicant?

At some point during the interview, the investigator should ask the following question. "If your neighbor (or former neighbor) were appointed a peace officer and responded to a call from you for assistance, would you have confidence in the ability and integrity of the applicant?" The answer to this question may disclose a contradictory opinion by the neighbor who previously may have expressed a favorable or unfavorable opinion on the general reputation of the applicant.

Another question that is often used to obtain a candid opinion of a former neighbor is: "Would you be pleased if the applicant resumed his former residence in this neighborhood?"

Any derogatory information from a neighbor or personal acquaintance should be verified by other neighbors or acquaintances without disclosing the source. Singular incidents of family or neighborhood friction or conflict may have left an unfavorable impression upon the reporting person. That person is relating the only recollection the person may have of the applicant.

Employment History

The entire area of the applicant's employment record should be carefully and fully investigated and reported. If the investigation should discover any discrepancies on the Personal History Statement or any errors or omissions by

the applicant in reporting work history, the applicant should be interviewed to adequately explain these. Be sure the applicant accounts for the entire period of time requested and there are no unexplained gaps where no work history is reported.

The thoroughness with which the check with former employers is conducted largely determines how well the appointing authority can predict the applicant's future work performance as a peace officer. Frequent changes in employment may be a clue as to how long the applicant will remain with your agency if hired.

Past employers may make available the applicant's complete file for inspection, although it is more likely the employers will only answer direct questions asked by the investigator. It is best for the investigator to show the past employer an "Authorization to Release Information" form signed by the applicant in order to minimize any reluctance to speak frankly. Areas which should be discussed include:

a. Exact dates of employment. (Compare with Personal History Statement. If the dates do not correspond, interview the applicant and find out why.)
b. Job titles and duties.
c. Reason for termination of employment expressed by the employer. (Compare with reason shown on Personal History Statement.)
d. Disciplinary record.
e. Work performance.
f. Sick record, including nature of illness and any injury for which accrued sick benefits were used.
g. Safety record, including personal injury accidents. If driving is part of the job requirements, check driver safety record.
h. Whether the applicant is eligible for re-employment.
i. Any record of salary garnishments or other financial problems.
j. Personal honesty and truthfulness.
k. How did the applicant get along with other employees and supervisors?
l. Was there any evidence of racial, ethnic or religious prejudices?
m. Has the applicant been involved in any lawsuits or other litigation?

Receive permission from the former employer to interview persons who have been the applicant's immediate supervisors. They are most likely to possess detailed knowledge of the applicant's job performance, ability to take instructions and accept criticism, and the attitude towards supervisors.

Usually co-workers listed by the applicant are prone to report only favorable impressions. They can furnish leads to other co-workers who are more likely to render candid opinions about the applicant's work habits.

If derogatory information is obtained, it is important to determine whether or not written reports were made of any misconduct or inefficiency. Some questions to ask both supervisor and co-workers might be: "Would you want the applicant to work with you again?" and "Do you think the applicant is qualified and would be a good peace officer?"

Another area to explore would be to determine if the applicant belonged to any organized labor union. Contact with the local union secretary may provide

information to compare claimed work experience and may reveal the applicant was the subject of disciplinary action by either the union or the employer. The union secretary may want to see an "Authorization to Release Information" form before being interviewed.

For those who cannot be interviewed, make mail inquiries and accompany each letter with an "Authorization to Release Information" form if an adequate response is expected. Remember, self-addressed, stamped envelopes facilitate replies.

School Records

School officials are valuable sources of information regarding the applicant's honesty, attitudes, mental alertness, citizenship, and temperament. If at all possible, the investigator should contact the high school principal and arrange a personal interview with the principal and with teachers and counselors who remember the applicant. The principal will be able to provide records regarding grade average, personal conduct or disciplinary records, dates of attendance, date of birth, and other information to verify data contained in the Personal History Statement.

Sometimes the principal is not personally acquainted with the applicant. In that case, teachers and counselors who had daily contact with the applicant can supply information regarding the applicant's character. Extra-curricular activities of the applicant and degree of success in participation should be noted. Try to obtain a copy of the applicant's graduating class yearbook. This usually contains information regarding the applicant's student activities.

When it is impossible to contact school officials personally, written inquiries should be addressed to the principal of the high school where the applicant attended. Accompany such letters with a copy of the signed "Academic Background Authorization and Liability Waiver" and with a self-addressed, stamped envelope. Any written inquiry should contain the applicant's full name, date of birth and dates of attendance. Sometimes it is helpful to follow-up a written inquiry with a telephone call to the principal when some time has elapsed after mailing the inquiry and no return has been received.

Inquiries regarding college records should be addressed to the registrar's office at the college attended by the applicant. The same procedure applies here as with written inquiries to high school officials.

Military Records

Military and other federal service records are an excellent source of information to aid in evaluating an applicant's personal conduct, patriotism, sense of duty and medical history while in the federal service. Military records centers may be contacted by mail for records of discharged military personnel. The "Authorization for Release of Military and Medical Information" form is a standard form used when inquiring about an applicant's disciplinary and medical records at all military records centers. Two copies, signed by the applicant should be sent to the appropriate records center. A list is included with this guideline along with the form. Any questionable medical defects

identified in the military record should be reviewed by the medical examiner at the time of the medical examination. Any military disciplinary action and dispositions are contained in the applicant's service record. If the applicant was convicted of a felony while in the military service, this would be cause for rejection of the applicant.

The investigator should also check to determine if the applicant is a member of the military reserve, National Guard or have any other existing military commitments.

Arrest Record

State law and P.O.S.T. standards prohibit the employment as a peace officer any person who has been convicted of a crime which could have resulted in imprisonment in a state or federal penitentiary. Returns from fingerprint cards submitted to the F.B.I. and the Montana I.D. Bureau usually will reveal this information. In order to properly evaluate a candidate, it is necessary to make a complete check of all records in every police department or sheriffs office where the applicant has resided, worked or attended school. Personal inquiries are preferred as the investigator can pursue questionable occurrences by securing copies of reports and then a letter of request will usually result in obtaining the desired information. Again, self-addressed, stamped envelopes facilitates replies.

Court dispositions, including sentence may be obtained from the clerks of municipal, county or district courts.

Driving Records and Valid Driver's License

Driving records are considered extremely important by law enforcement administrators as they tend to show the attitude of the applicant toward observance of the law and safety rules. Out-of-state agencies that provide the same service as the Montana Highway Accident Records Section and the Montana Motor Vehicle Division's Driver Services Section should be contacted for any record of an applicant who has been in their jurisdiction. Also, be sure and check with other local jurisdictions where the applicant has worked or lived for a driving record. Some local jurisdictions still do not report to the appropriate state agency on driving violations and accidents.

Present Employer Reference

When the applicant is initially interviewed by the background investigator, a determination should be made when the applicant would be available for hiring if accepted for employment by the agency.

Usually employers require at least two weeks notice if an employee is leaving voluntarily. As a professional courtesy, law enforcement agencies should insist that successful applicants give their present employer such proper notice.

The applicant should be assured that the present employer would be contacted as near the end of the investigation as possible. Actually it is preferable to make this contact the last one if it appears the candidate is likely to be accepted. The employer may not appreciate the applicant leaving, and that possibility may prejudice his view of the applicant or even result in a premature termination of employment.

The same procedures should be used by the investigator in contacting the present employer as are used in contacting past employers.

Background Investigation Written Report

The investigator should make certain that all documents and investigative information necessary to verify compliance with the agency standards and the state minimum requirements are in the file. This material should include:

	Requirement		Source
____	Age	verified by	Birth Certificate
____	Citizenship	verified by	Birth Certificate or Naturalization Records
____	No disqualifying criminal record	verified by	FBI (fingerprints) Montana ID Bureau (fingerprints) Other States ID Bureaus, Local Law Enforcement Jurisdictions, Military Records Center
____	Education	verified by	High School Diploma GED Test Scores College Diploma and Transcripts
____	Driving record and valid driver's license	verified by	Montana Drivers Services Section and the Montana Highway Patrol Accident Records Section Local Police Files

Make sure you have made sufficient inquiry into the applicant's background in the following areas:

	Areas of Concern	Source
____	Employment Record	Former Employers Labor Unions Military Records Center

____	Credit Standing	Credit Bureaus Lending Institutions Creditors
____	Reputation, Character Loyalty, Reliability, Judgement, Prejudices, Integrity	Friends Associates Relatives Neighbors
____	Military Service Status	Military Records Center
____	Interest in Law Enforcement	Personal Interview Spouse or Fiance Friends, Associates School Officials & Records

Organize your thoughts and material. Be sure you have sufficient information to submit to the appointing authority so that it can make a proper decision as to whether or not the applicant is qualified.

Suggested Format

The following format is suggested for the investigator's report. Material and information should be arranged according to the following areas. Each area should be typed in capital letters, underlined, and then followed by the appropriate information.

PERSONAL
MARITAL
REFERENCES
PRESENT AND FORMER NEIGHBORS
FAMILY HISTORY
FINANCIAL AND CREDIT
EMPLOYMENT HISTORY
EDUCATION
MILITARY RECORD
ARREST AND DRIVING RECORD

The written report should be complete, yet concise, and in narrative form. All verifying documents and materials should be submitted with the report to the appointing authority to review and evaluate the information. Also included should be all unused authorization forms, returned forms and letters, the investigator's notes of the interviews and all other pertinent material.

The report should be factual. Positive as well as negative information should be included in sufficient depth so that the evaluators will be able to form sound judgments of the applicant's suitability for employment. Persons interviewed should be quoted verbatim or at least their pertinent remarks should be paraphrased accurately.

Finally, some agencies require the background investigator submit a recommendation. If required, the recommendation should be accompanied by a basis for the recommendation and this should be included at the end of the written report.

BACKGROUND INVESTIGATION FORMS

BACKGROUND INVESTIGATION FORMS

A. Arranged in this packet in the following order:

(1) Authorization to release information
(2) Request for police records check
(3) Letter requesting personal reference
(4) Personal reference questionnaire
(5) Letter requesting landlord's reference
(6) Landlord's report
(7) Letter requesting past employer's reference
(8) Report of former employer
(9) Academic background authorization and liability waiver
(10) High school reference and academic report
(11) Peace officer examination waiver
(12) Veterans' preference
(13) Authorization for release of military and medical information
(14) List of military records centers
(15) Authorization to release medical records

AUTHORIZATION TO RELEASE INFORMATION

TO: _____

_____

_____

I am an applicant for a position with the _____
I am required to furnish information which this agency may use in determining my moral, physical, mental and financial qualifications. In this connection, I hereby expressly authorize release of any and all information which you may have concerning me, including information of a confidential or privileged nature.

I hereby release the agency with which I am seeking employment and any organization, company, institution or person furnishing information to that agency as expressly authorized above, from any liability for damage which may result from furnishing the information requested.

Date: _____ 19 ____ _____
Signature

Print Full Name: _____

Present Address: _____
Street

_____
City State Zip

Birth Date: _____ Social Security Number _____
Month Day Year

Request For Police Or Sheriff's Department Records Check

Date: _____

TO: _____

_____

_____

Re: _____

Birthdate: _____

Social Security Number: _____

Fingerprint Classification: _____

_____

The above named person is an applicant for a position with this agency. At one time the applicant resided within your jurisdiction. We would appreciate your assistance in our background investigation of this applicant's suitability for employment in law enforcement.

Would you please check both your criminal and traffic records and furnish us with any information which would reflect on this person's suitability. You may use the reverse side of this sheet for your reply.

Thank you for your assistance. Please call upon us if we can perform a similar service for you at any time.

Sincerely yours,

_____
Signature

_____
Printed Name

_____
Title

(Print on Department Letterhead)

Date: _____, 19___

TO: _____

_____

_____

Dear _____

_____ has applied for a position with this department. Your name has been referred to us as one who can furnish information regarding this applicant's qualifications.

We rely upon well-informed individuals to assist us in selecting personnel who are qualified for public service by reason of outstanding integrity, honesty and character who will maintain high standards of performance in law enforcement.

All information received from you is confidential and will only be used for evaluation purposes. Your courtesy in returning the questionnaire promptly with the information requested will be greatly appreciated.

Sincerely yours,

_____
Name

_____
Title

_____
Department

PERSONAL REFERENCE QUESTIONNAIRE

Concerning: _____

1. How many years have you known the above? _____

2. How did you become acquainted? _____

3. Are you acquainted with the applicant's family background? Yes ☐ No ☐
If yes, do you know anything regarding the family that could compromise the applicant's position as a law enforcement officer? _____

4. Does the applicant show any evidence or indication of emotional instability?
Yes ☐ No ☐ If yes, please explain: _____

5. What are the applicant's ethics and morals? _____

6. Is the applicant tolerant of other people's views or biased and prejudiced? _____

7. Do you believe the applicant is honest and trustworthy? Yes ☐ No ☐

8. Would you trust the applicant with confidential matters? _____

9. Is the applicant willing to do things for others even though it may be inconvenient? _____

10. Is the applicant well adjusted? _____

11. Does the applicant get along well, generally, with people? _____

12. Has the applicant ever discussed any ambitions with you? If so, would you state what they were? _____

13. What is the applicant's reputation? _____

14. Do you think the applicant will make a good peace officer and why? _____

15. What are the applicant's drinking habits? _____

_____

16. To your knowledge has the applicant ever used marijuana or illegal drugs? _____

_____

17. Do you know of any reason the applicant may be unqualified for a law enforcement position? _____

_____

18. List anyone who may have significant information regarding the applicant. List name, address and telephone number. _____

_____

_____

_____

Please sign _____

_____
Street Address

_____
City State Zip

Date: _____ , 19 ____

TO: _____

_____

_____

Dear _____

_____ , who is an applicant for a position with this department has referred your name to us.

This person states you were the applicant's landlord from about _____ until _____ . We rely upon well-informed individuals to assist us in selecting personnel who are qualified for public service by reason of outstanding integrity, honesty and character who will maintain high standards of performance in law enforcement.

All information received from you is confidential and will only be used for evaluation purposes. Your courtesy in returning the questionnaire promptly with the information requested will be greatly appreciated.

Sincerely yours,

_____
Name

_____
Title

_____
Department

LANDLORD'S REPORT

Concerning: _____

1. Are you related to the above person, and if so, what is the relationship? _____

_____

2. During what period of time was this person a tenant of yours?
From: _____ 19 ___ to _____ 19 ___

3. Was this person regular with the rent payment. If not, what were the circumstances?

_____

4. What was the reason this person left? _____

_____

5. Did you have any problems with this person? _____

_____

6. Was this person a drug or alcohol abuser while your tenant? _____

_____

7. Do you know of any conduct he displayed or any circumstances which may disqualify this person from public service? _____

_____

8. Do you believe this person is honest, reliable and capable enough to be a law enforcement officer? _____

_____

_____

9. Please give any additional information which you believe is pertinent to this person's qualifications for employment as a law enforcement officer.

_____

_____

_____

Date: _____ 19 ___ Please sign _____

Address _____

_____

Thank You For Your Assistance.

Date: _____, 19___

TO: _____

_____

_____

Dear _____

_____, who was employed by your firm from _____ to _____, is an applicant for a position with this department.

We feel it is essential that the personnel history of a law enforcement officer to be above reproach. We rely on past employers to provide us with information regarding the past performance and work history of the applicant. We are, therefore, soliciting your assistance in determining the pattern of the applicant's personal conduct.

All information received from you is confidential and will only be used for evaluation purposes. Your courtesy in returning the questionnaire promptly with the information requested will be greatly appreciated.

Sincerely yours,

_____
Name

_____
Title

_____
Department

REPORT OF FORMER EMPLOYER

Concerning your employment of _____

1. Give dates of applicant's employment with your firm.
   From _____ 19 _____ to _____ 19 _____

2. What was the nature of the applicant's job at the beginning? _____

3. What was the applicant doing when employment was terminated? _____

4. What was the applicant's salary at termination? $ _____ per _____

5. Did the applicant follow instructions satisfactorily? _____

6. Did the applicant show an ability to learn readily? _____

7. Did the applicant show the ability to make logical decisions? _____

8. Was the applicant's attendance record good? Yes No
   If not, what was the reason? _____

9. Did the applicant appear in good health? _____

10. Did any domestic or financial problems interfere with the applicant's job? _____

11. Did the applicant get along with the immediate supervisor? _____

12. Did the applicant get along with fellow workers? _____

13. What was the applicant's safety record? Any accidents? _____

14. Describe what you know of the applicant's honesty, morals and personal habits.

15. Would you re-employ the applicant? Yes No If not, why not?

16. Do you believe the applicant is honest, reliable and capable enough to be a law enforcement officer? _____

_____

17. For whom did the applicant work prior to employment by your firm. _____

_____

_____

18. For whom did the applicant work next after leaving your firm. _____

_____

_____

19. Please list names, addresses and telephone number of anyone who may be able to furnish significant information regarding the applicant.

_____

_____

_____

Date _____ 19 ___ Please sign _____

Position _____

Address _____

ACADEMIC BACKGROUND AUTHORIZATION AND LIABILITY WAIVER

To Whom It May Concern:

I hereby authorize the _____
Law Enforcement Agency

to review my academic records and my personal history pertaining to my attendance at

_____ . I further authorize you to release such other
Name of School

information as may be requested by that agency. Such information is to be used by that agency to assist it in determining my qualifications and fitness for an employment position which I am currently seeking.

I hereby expressly release your institution and its employees from any liability for damage to me which may result from the furnishing of such information.

Date: _____ , 19 ____ _____
Signature

Print Full Name: _____
Last First Middle

Date of Birth: _____

Dates Attended: _____ , 19 ____ to _____ , 19 ____

Present Address: _____
Street

_____
City State Zip

(Sample High School Reference)

TO: _____

_____

_____

Dear Sir:

_____ who attended your school from _____ to _____ has applied for a position with this department. This is a position of trust and responsibility requiring that only a person of the highest integrity and character should be selected.

The following information is essential in evaluating the applicant. We would appreciate your assistance in providing this information. The information will be held in strict confidence.

Thank you for your cooperation.

Sincerely,

_____

_____

ACADEMIC REPORT

1. Dates of attendance if different from above: _____ to _____
2. Graduated: Yes [ ] No [ ] If not, how many years completed? _____
3. Academic standing in graduating class: _____
4. Extra-curricular activities: _____

   _____
5. Was applicant ever expelled or suspended from your school? If so, please state the reasons: _____

   _____

   _____

6. Comments by you or teachers who had contact with applicant regarding general reputation, character and initiative: _____

_____

_____

7. If applicant was a transfer student either in or out of your school would you please state the name and address of the school or schools: _____

_____

_____

_____

8. Please state any other sources of information you may have that would be helpful in evaluating the applicant's suitability for employment as a peace officer:

_____

_____

_____

Date: _____ _____
Signature

_____
Title

Peace Officer Examination Waiver Form

I, the undersigned, an applicant for a position with the _____
Law Enforcement Agency
of the city/county/state of _____, in consideration of being permitted to take such practical tests as are deemed necessary to determine my fitness and eligibility for the position, do hereby voluntarily waive and forever release the _____
Law Enforcement Agency
of the city/county/state of _____ and its duly appointed agents, officials and members of the examining board and their assistants conducting said examination and the city/county/state of _____, from all claims, demands or causes of action for any damages or injury that may occur or accrue to me while in the performance of such tests or in the taking of such tests.

I also declare that, to the best of my knowledge, I am in good health and sound physical condition and have no physical disability or impairment or health condition which would prevent me from participating in these tests.

Dated: _____

_____
Signature of Applicant

_____
Witness

_____
Applicant's Address

Veterans' Preference

To: _____
_____
_____
_____

I, _____, request consideration
Name of Applicant
for Veterans' Preference under Title 39, Chapter 30, MCA.

A photostatic copy of honorable discharge and a copy of the Veterans Administration Letter of Eligibility for service-connected disability must be attached.

Date: _____ Signed: _____

AUTHORIZATION FOR RELEASE OF MILITARY AND MEDICAL INFORMATION

TO:	DATE
	NAME OF APPLICANT - Printed

As an applicant for a position with the Department, I am required to furnish information for use in determining my moral, physical, and mental qualifications. In this connection, I authorize release of the information items below from my military and related medical records.

BRANCH OF SERVICE	SERVICE NO.	DATE LAST SEPARATED FROM ACTIVE SERVICE

PRESENT MILITARY STATUS	PRESENT HOME ADDRESS
☐ None ☐ Air Force Reserve ☐ Army Reserve ☐ Navel Reserve ☐ Marine Corps Reserve	
FURNISH INFORMATION TO:	APPLICANT FOR POSITION OF
	SIGNATURE OF APPLICANT X

TO BE COMPLETED BY RECORDS OFFICE

DATE OF ENTRY	DATE SEPARATED	REASON FOR SEPARATION	CHARACTER OF SERVICE

NOTE: If discherge other then "HONORABLE", no further information is required.

DISCIPLINARY DATA - If Any ☐ None ☐ See Remarks

SIGNIFICANT ILLNESS OR INJURIES - If Any ☐ None ☐ See Remarks ☐ See Attached Documents

PSYCHIATRIC OBSERVATIONS AND TREATMENT - If Any ☐ None ☐ See Remarks ☐ See Attached Documents

PHYSICAL CONDITION AT TIME OF SEPARATION ☐ Report of Separetion Physical Attached

REMARKS

☐ Continued on Reverse

RELEASING OFFICE	RELEASED BY (SIGNATURE)	DATE RELEASED

MILITARY RECORDS CENTERS

AIR FORCE

Headquarters, USAF (AFDASE)
Washington, DC 20330
(EAD off.; retirees; ANG personnel)

Air Reserve Records Center
3800 York St.,
Denver, CO 80205
(Reservists not on EAD)

Military Personnel Records Center,
GSA (Air Force)
St. Louis, MO 63132
(Off. & airmen completely separated; EAD airmen)

ARMY

Commanding Officer
U.S. Army Personnel Services Support Center,
Ft. Benjamin Harrison, IN 46249
(all EAD enlisted personnel)

The Adjutant General's Office
Personnel Records Division
Department of the Army
Washington, DC 20310
(all EAD off.; all general off.)

Commanding Officer
U.S. Army Records Center, TAGO
9700 Page Blvd.,
St. Louis, MO 63132
(Off. & EM completely separated after Oct. 5, 1945; retired off. & Em: non-EAD Res. Off. & EM; field personnel files of Standby & Retired Reserve personnel)

Military Personnel Records Center,
GSA (Army)
9700 Page Blvd.,
St. Louis, MO 63132
(Off. completely separated between July 1, 1917 and Oct. 6, 1945; EM completely separated after Oct. 31, 1912, unless entry or re-entry into service was after Oct. 5, 1945)

COAST GUARD

Commandant
U.S. Coast Guard
Washington DC 20226
(EAD off. & EM; EM separated during current yr. & 1 yr. prior; off. completely separated before Jan. 1, 1929)

Military Personnel Records Center,
GSA (Coast Guard)
9700 Page Blvd.
St. Louis, MO 63132
(Off. completely separated after Dec. 31, 1928, except less than 3 mos.; EM completely separated except for current yr. & 1 yr. prior)

NAVY

Chief of Naval Personnel
Department of the Navy
Washington, DC 20370
(All off. personnel; EAD EM; active & inactive reservists, retirees, EM completely separated less than 6 mos.)

Military Personnel Records Center, GSA (Navy)
9700 Page Blvd.
St. Louis, MO 63132
(EM completely separated 6 mos. or more)

MARINE CORPS

Commandant of the Marine Corps (DGK)
Headquarters, U.S. Marine Corps
Washington, DC 20380
(USMC & USMCR off. & EM on EAD; active Res. EM; off. & EM completely separated less than 4 mos.)

Military Personnel Records Center, GSA (Marine Corps)
9700 Page Blvd.
St. Louis, MO 63132
(Off. & EM completely separated 4 mos. or more; retired off. & EM; inactive Res. EM)

AUTHORIZATION TO RELEASE MEDICAL RECORDS

TO: _____

_____

_____

I am an applicant for a position with the _____
It is essential that the examining physician evaluate my medical background. For that purpose, the examining physician has requested I authorize you to provide my medical record and history concerning the following medical condition(s):

_____

_____

_____

Please forward such information to:

_____

_____

_____

I hereby expressly release you and your employees from any liability for damage to me which may result from the furnishing of such information.

Date _____ 19 ____ _____
Signature

Print Full Name _____
Last First Middle

_____ _____
Address Social Security Number

_____ _____
City State Zip Date of Birth

( ) -
_____
Telephone Number

REQUIREMENTS AND PROCEDURES FOR EQUIVALENCY TESTS

I. REQUIREMENTS FOR ELIGIBILITY TO TAKE EQUIVALENCY TESTS.

1. Basic Equivalency Test -- Peace officers with out-of-state experience and training who have entered Montana to be employed by a Montana law enforcement agency should, as soon as possible after employment, submit an application for Basic Certification to the POST Advisory Council. The application must have supporting documents containing the following information:

a. A copy of another state's Basic POST Certificate or proof of completion of another state's Basic POST Certified Course.
b. A copy of the course curriculum for comparison purposes.

2. Eligibility, in addition to the above requirements, will be determined on the basis that the training completed by the applicant is equivalent to the MLEA Basic Course.

II. TEST PROCEDURES FOR BASIC EQUIVALENCY TEST.

1. Upon receipt of the application for certification, the POST Council will determine if the applicant is eligible to take the equivalency test. POST will advise the applicant and MLEA in writing of the applicant's eligibility to take the test and also will notify the applicant of the scheduled dates for the test. As the tests will only be given at the Academy, the applicant must contact MLEA prior to the dates of the test, to confirm the specific date and time the test is to be given. The applicant must arrive at the Academy on the scheduled test date and present the POST letter of notification of eligibility. The written test will be administered by an Academy staff member. Upon completion of the written test, the applicant will be required to successfully complete the firearms course. The tests will be graded by MLEA. MLEA will notify POST by mail of all test scores. POST will be responsible for notifying the applicant and the agency administrator by mail of all test scores.

2. The firearms course will be the firearms course established by the Academy for Basic Certification. Each applicant must furnish his service weapon, leather gear, safety glasses and ear protectors. Applicants for the Basic Equivalency Test must furnish 130 rounds of service ammunition.

III. ELIGIBILITY FOR AWARD OF CERTIFICATE.

1. Minimum passing score for the written Basic Equivalency Test is 75% and the firearms qualification score must not be less than 80% out of a possible 100%. Those successfully passing these tests must successfully complete the

MLEA Equivalency Legal and complete one year's service with their employing agency to be eligible for the award of the Basic Certificate.

2. Applicants not achieving a minimum passing score on the written equivalency test must successfully complete the MLEA Basic Course in order to meet that requirement for certification. Applicants not qualifying in the firearms course will be given the opportunity to return to the Academy at the next equivalency test date and run through the firearms course according to the preceding procedures. If an applicant still cannot qualify, the POST Council will require the applicant to complete the Basic firearms training course at the Academy. Registration for the course will be at the discretion of the Academy, based on the available openings for the next Basic Course.

IV. REFERENCES.

Study references for the Basic Equivalency Test are listed below:

1. The Handbook for Montana Peace Officers (available either at your agency or at MLEA).

2. Montana Codes Annotated, 1987.
   - (a) Chapter 12, Title 44, Controlled Substance Abuse
   - (b) Title 45, Crimes
   - (c) Title 46, Criminal Procedure
   - (d) Chapter 3, Title 41, Child Abuse and Neglect
   - (e) Chapter 5, Title 41, Youth Court Act
   - (f) Chapter 8, Title 61, Traffic Regulations including DUI 61-8-401 through 61-8-408

P.O.S.T. COUNCIL MEETING PROCEDURES

A. Meetings

1. The rules contained in these meeting procedures shall govern the P.O.S.T. Council meetings in all cases to which they are applicable and in which they are not inconsistent with the laws of Montana.

2. The members of the Council shall set the time, date, and location of their next meeting before adjournment. Special meetings may be called by the Chairman, or upon written request of six members of the Council. Members should be notified at least ten (10) days prior to the meeting date.

3. A meeting of the Council may last for several consecutive days and still be considered one meeting. Temporary adjournments or recesses from day to day does not destroy the continuity of the meeting. To close meetings from day to day or during brief periods of the day, a member may simply move for a recess for a certain time of day.

4. To close a meeting of the Council, a member simply moves to adjourn.

B. Quorum

1. Seven members of the Council shall constitute a quorum for the transaction of business, but a less number may meet to determine how to obtain a quorum or fix the time to adjourn, or take a recess.

2. Upon the appearance of a quorum, the Council shall then proceed to the business before them.

C. Business Meeting Procedure

The Council shall conduct business in the following manner:

1. The reading of the minutes of the proceedings of the last meeting, amendments and approval of the same.

2. Reports of any standing committees.

3. Reports of any special committees.

4. Special orders.

5. Unfinished business.
   a. Business pending undisposed at the previous adjournment.
   b. Matters postponed to this meeting that have not been disposed of.

The above order of business shall not be changed unless by two-thirds vote of the members present, otherwise the Chairman shall conduct business in the proper order.

D. Motions by the Council

1. No motion can be put unless it has a second. The Chairman must either rule it out of order or shall state the motion before it can be debated.

2. A motion may be modified or even withdrawn by the members who offered it. After it has been read, he can do neither without the consent of the Council.

3. After the motion has been read by the Chairman, it may be debated before final action is taken. By a two-thirds vote of the members present, the Council may decide to dispose of the motion without debate.

E. Duties of Members

1. No member shall speak more than twice upon any question without the consent of Council and not more than once until every member choosing to speak desires the floor. Debate must be limited to the merits of the immediate pending question.

2. Every member present when a question is stated from the Chair shall vote thereon unless excused by the Council.

3. Any member may be called to order. The point of order shall be stated by the member raising it and it shall be decided by the Chairman without debate, subject to appeal by the Council. If there be no appeal, the decision of the Chairman shall be conclusive. If the member appeals from the decision of the Chairman, the Council shall decide the question without debate.

4. No member shall be interrupted in any other manner without his consent while having the privilege of the floor either by the presiding officer or any member of the Council.

5. When a member wishes to present a communication, petition, report, etc., or motion, he shall address the Chair in the proper form, briefly stating the nature thereof and present or introduce the same.

6. If any member requires it, the vote upon any question shall be taken and entered on the minutes and if any member requires it, a roll call or the names of the members shall be taken and recorded provided that either request must be made prior to proceeding to any other business.

F. Precedence of Question

1. When a question is under debate, the only motions in order shall be:

First - to adjourn
Second - to lay on the table
Third - the previous question

Fourth - to postpone to a day certain
Fifth - to refer
Sixth - to amend
Seventh - to postpone indefinitely.

Such a motion shall have precedence in the order herein arranged. The first four are to be decided without debate except a motion to adjourn to a stated time which shall be debatable.

2. A motion to adjourn the Council shall always be in order except,

First - when a member is in possession of the floor
Second - while a vote is being taken or called
Third - when adjournment was the last preceding motion
Fourth - when the previous question is ordered

3. When a motion is postponed indefinitely, it shall not be taken up again during the same meeting.

4. A question may be reconsidered at any time during the same meeting.

5. No vote of the Council shall be reconsidered or rescinded at a subsequent meeting unless there shall be present and voting, at least three-fourths of the whole Council. A motion to reconsider must be by a member who voted in the majority.

6. No questions shall be reconsidered more than once, nor shall the vote to reconsider be reconsidered.

7. A motion to amend an amendment shall be in order, but to amend an amendment to an amendment shall not be entertained.

8. An amendment to modify the intention of the motion shall be in order, but an amendment relating to a different subject shall not be in order.

9. On an amendment to strike out and insert, the paragraph to be amended shall first be read as it stands,then the words proposed to be struck out and those to be inserted,and finally the paragraph as it would stand if so amended.

G. Changing the Rules

1. The rules and procedures of the Council may only be changed if eight of the members are present and six of these vote in the majority.

H. Chairman

1. Any question as to proper procedures shall be ruled on by the Chairman according to those recognized in "Roberts Rules of Order."

2. The Chairman has the responsibility to maintain order in the Council meetings.

3. The Chairman will authenticate by his signature when necessary, all of the acts, orders, and proceedings of the Council declaring its will and in all things obeying its command.

4. The Chairman shall vote in event of a tie and on procedural matters and rule changes he has voting privileges.

5. Whenever the Chairman vacates his chair, he may appoint a Chairman pro-tem who will chair the meetings and retain his voting privilege.

6. The Chairman shall count as a member present.

I. Director

1. The Director shall be responsible for preparing an agenda of the order of business for each meeting and send the agenda to all members with the meeting notice and minutes of the previous meeting.

2. The Director shall be responsible for recording and keeping the minutes of the Council meetings.

APPENDICES A, A(1), B, C, and D

APPENDIX A

In 1982 the Board of Crime Control conducted a task analysis survey of the entry-level law enforcement position. Seventy municipal and county law enforcement agencies,the state highway patrol and the fish and game wardens participated.

The purpose of the survey was to determine what differences, if any, exists in the various job tasks performed by the patrol officer or field officer of all the agencies surveyed. From this, it can be determined what employment selection standards can be established for the entry-level position, what tests are appropriate and job related and what training is needed to provide the entry-level peace officer with the knowledge and skills to preform effectively and efficiently.

The analysis determined that of 545 tasks surveyed, 423 were found to have some commonality in all the agencies surveyed except for the fish and game wardens. To some degree, lesser in some agencies and greater in others, these 423 tasks were performed by the municipal/county peace officers and the highway patrol officers. The use of the word multijurisdictional is used to indicate this commonality of tasks.

Written tests are now available from the POST Advisory Council that are based on these tasks. The three tests are the J-2 Multijurisdictional Peace Officer Selection Test, the R-2 Law Enforcement Officer Reading Skill Examination and the W-2 Multijurisdictional Peace Officer Writing Skills Examination. A brief description of each test and what they are designed to do follows:

- The **J-2 Multijurisdictional Test** is a test that measures a number of abilities that are necessary in law enforcement work. These are information processing, arithmetic computation, situation reasoning, accuracy with names and numbers, understanding illustrated materials, writing skills, and reading comprehension skills. The questions are designed to represent as many of the 423 tasks identified in the task analysis as is feasible. There are 105 multiple choice questions and the candidates have two (2) hours to complete this test.

- The **R-2 Reading Skills Examination** contains 55 multiple choice items based on 21 passages that have been taken from actual on-the-job material from a number of law enforcement agencies. These test abilities of the candidate to not only be able to read the passages, but to also understand and comprehend the passages. The time limit is 60 minutes.

- The **W-2 Writing Skills Examination** contains 45 items designated to assess proficiency in the following areas: The ability to write grammatically correct sentences (tense, pronoun forms, subject/verb agreement, punctuation); the ability to express one's self clearly; and the ability to construct meaningful paragraphs. Al items are designed to simulate the type of material that entry-level peace officers are required to write on the job. This contains 47 multiple choice questions and has a time limit of 55 minutes.

All of the tests have been thoroughly screened to eliminate any discrimination bias. We have purchased the copyrights for these for use by Montana law enforcement agencies. We will provide the answer sheets and have the answer keys. There is no charge for this service.

TEST PROCEDURES

The suggested procedures to administer the J-2, R-2, and W-2 entry-level tests are established to provide as much comfort and ease for an applicant as is possible and to make certain that the law enforcement agency is removed from any suspicion of bias in administering and scoring the tests.

The J-2 is a two-hour test, the W-2 is a 55 minute test and the R-2 is a 60 minute test. The length of the tests requires a suitable location that is comfortable, well lighted and well ventilated. No interruptions from outside the test area should be allowed.

Each applicant should have sufficient separation from other applicants so that they may not communicate or see each other's tests. Anyone caught cheating should immediately be expelled from the room and eliminated from further consideration as a candidate for the positions open.

The tests should be proctored by someone outside the law enforcement agency. These can be persons from the local educational institutions; the police commission; city, county or state personnel officers; or, anyone with prior testing experience who is recognized and respected in the community. Agency personnel should be available to assist the proctor in administering the tests and in keeping order.

Answer sheets are provided the applicant for each test. Before issuing the answer sheets, the proctor should provide an envelope containing slips of paper. Each slip should have a serial number (slips can be numbered in a series beginning with 001, 002, etc.). There should be more numbers than applicants. The applicant should draw a number from the envelope, then be given an answer sheet. He will place the number on the answer sheet then write his name on the back of the number slip and place that in a different envelope. When all the applicants have selected their numbers and receive their answer sheets, the envelope containing the numbers and names should be sealed and signed over the seal by the proctor.

The directions for each test are contained on Page 1 of each test. The proctor should read the directions to the applicants. Each should be provided a pencil and a scratch sheet. After the test begins, no one is allowed to leave the room. If someone wants to ask a question of the proctor, they must raise their hand. When an applicant completes the test, it should be placed on a desk provided for this purpose and the applicant can leave until time to take the next test.

The applicants should be allowed a ten to fifteen minute break between tests.

Scoring the tests should be accomplished in the presence of several witnesses. The validated cut-off scores for each of the tests have been established by the POST Council and approved by the council on July 7, 1988. The cut-off scores are as follows:

J-2:	73 and above passing
	72 and below failing
R-2:	31 and above passing
	30 and below failing
W-2:	38 and above passing
	37 and below failing

Answer keys must be returned to the POST Council at 303 North Roberts, Room 460, Helena, Montana 59620 by certified mail as soon as possible after the scoring is completed.

The test booklets can be returned in the mail using fourth class book rate or UPS. This will cost less than five dollars.

The applicants score sheet, that is furnished with the tests, must be returned to the POST Council. These scores are entered into a computer file and the data used for analytical purposes. This will also provide a permanent score for the applicant. Persons who have taken the test previously need not retake the test. Their scores may be verified through POST or through the agency who gave the test. Taking the test several times does not improve a person's score. In most cases, the scores are actually lower than the first score.

When a hiring agency notifies its applicants of the written test date, whose who have previously taken the written test should be requested to notify the agency with the name of the agency giving the test - then verification can be made. If this is not possible, for some reason, the applicant can then be instructed to retake the test.

APPENDIX A(1)

GUIDE FOR IMPLEMENTING VETERAN'S PREFERENCE

GUIDE FOR IMPLEMENTING VETERAN'S PREFERENCE

This is a guide on how to administer the POST written and physical agility tests to award employment preference, by the established point system, to eligible veterans, disabled veterans, and eligible relatives.

The employment preference is to be granted according to Montana Codes Annotated 39-29-101 through 39-29-112, and by Administrative Rules of Montana promulgated by the Montana Department of Administration. A thorough knowledge of the Codes and Administrative Rules are necessary for anyone administering the POST's entry level tests.

The first step in the procedure begins with the posting of the job opening announcement or on the application form that point preference will be given to the eligible veterans, eligible disabled veterans, and eligible relatives (refer to 39-29-103, MCA).

The second step is for the hiring authority to provide a standard form for claiming employment preference and inform applicants of the requirements for documentation of eligibility. The applicant shall claim preference in writing before the application deadline has passed. The applicant is responsible for providing all information necessary to document the preference claim. In any event, the submission of documentation requirements must be completed before the applicant takes the POST written and physical ability tests.

The third step is to determine the eligibility of the applicant for employment preference. To be eligible, anyone claiming preference must:

1. be a United States Citizen, and
2. score 70 or more percentage points of the total possible points that may be granted in a scored procedure.

In addition, a veteran or disabled veteran must:

1. have been separated from active duty in the armed forces under honorable conditions.

A veteran must have served more than 180 consecutive days on active duty in the armed forces, other than for training. There is no time limit for disabled veterans.

A disabled veteran must have established the present existence of a service connected disability or is receiving compensation, disability retirement benefits or pension from the Veteran's Administration or a military department; or have been awarded the Purple Heart Medal.

An eligible relative is one of the following described persons:

1. The unmarried surviving spouse of a veteran or disabled veteran.
2. The spouse of a disabled veteran who is incapable of seeking employment.
3. The mother of a veteran who lost his life under honorable conditions while serving in the armed forces if:
   a. her husband is totally and permanently disabled; or
   b. she is the unmarried widow of the father of the veteran.
4. The mother of a service connected permanently and totally disabled veteran if:
   a. her husband is totally and permanently disabled, or
   b. she is the unmarried widow of the father of the veteran.

The fourth step is to award the points according to eligibility to any scored procedure used to select from the applicant list a person to fulfill a position. A scored procedure means a written test, structural oral interview, performance test or other selection procedure, or a combination of these procedures that result in a <u>numerical</u> score to which veteran's preference points may be added.

If a veteran, disabled veteran, or eligible relative receives 70 or more percentage of the total possible points that may be granted in a scored procedure, the public employer <u>must</u> add the following points to those persons' scores:

1. 5 points if the applicant is a veteran; and
2. 10 points if the applicant is a disabled veteran or an eligible relative.

When individual scored procedures are used, these 5 or 10 points must be added to each scored procedure if the individual score is used to advance or eliminate applicants. In this instance, if the individual scored procedures are used in combination to reach a total score, all of the veteran's preference points added to each scored procedure must be subtracted from this total score, and then the appropriate 5 or 10 points must be added to the total score. The reason for this is that the veteran's preference points are not cumulative. In the instance when individual scored procedures are not used to eliminate or advance anyone, and are used in combination to reach a total score, then the appropriate veteran's preference points must be added to this total score.

The manner in which veteran's preference points are added to the scores achieved on the POST multi-jurisdictional entry level written tests is discussed in the following:

1. The J-2 test has a total of 105 points. Anyone with veteran's preference who scores 74 or more points will have the appropriate 5 or 10 points added to that score (70% of 105 is 73.5)

2. The R-2 test has a total of 55 points. Anyone with veteran's preference who scores 39 or more points will have the appropriate 5 or 10 points added to that score (70% of 55 is 38.5).

3. The W-2 test has a total of 45 points. Anyone with veteran's preference who scores 32 or more points will have the appropriate 5 or 10 points added to that score (70% of 45 is 31.5).

As the physical ability test is computer scored in Helena, the test administrator on site must indicate in the appropriate column on the scoring sheet that is mailed to POST, those applicants who have proven veteran's preference. This will be by writing the appropriate points to be added (either 5 points or 10 points). The POST Council has a formula that will convert the Z scores to another scale from 0 to 100. This will enable us to determine the 70 percent and add veteran's 5 or 10 points to those scores with 70 percent or over.

The physical agility scores will be returned to the testing agency in the percentage point format.

APPENDIX B

MONTANA LAW ENFORCEMENT PHYSICAL ABILITY TEST

TABLE OF CONTENTS

INTRODUCTION

The following information has been compiled as a result of many hours of work by many people. The basis for all decisions and recommendations comes directly from the POST Council's Physical Task Survey administered to Montana law enforcement personnel.

WARNING!! The Montana Law Enforcement Physical Ability Test is designed to discriminate among physical abilities and may prevent you from being considered for employment as a law enforcement officer in the State of Montana. These tests are designed to meet the following conditions of fairness in testing:

1. The applicant's performance is performance against self rather than another person and the performance does not depend on another person.

2. Bias effects have been eliminated either through careful selection of tests or statistical techniques which have been employed to accurately weight or adjust scores.

3. Test items selected utilize basic skills common to all people and measure what they purport to measure. Items have been chosen on the basis of an extensive survey of all law enforcement officers in the State of Montana. Activities in the test accurately represent activities reported by officers in the field.

4. All applicants will have the same standard procedure used for test administration regardless of where the test is administered.

5. Scoring of test items and passing levels are predetermined and objective.

The following information is the initial recommendation for testing procedures. Included are materials, procedures and instructions for six stations: Resting Heart Rate (RHR) and Resting Blood Pressure (RBP), Speed Test (100 yard sprint), Grip Strength, Weight Drag, Agility Run, and 1/2 Mile Run.

GENERAL INFORMATION FOR TEST ADMINISTRATORS

Since this test has been designed for state-wide use for all potential law enforcement officers, it is **ESSENTIAL** that the test be administered in a standardized manner in all test situations. Standardized testing procedures and administration will result in scores that will mean the same to any agency in the state. This would allow, for example, a candidate to take the test in West Yellowstone and have an agency in Libby be able to interpret the test result. Great care has been taken to make the directions as clear as possible, the scoring objective and the test administration easy.

TEMPORARY PHYSICAL IMPAIRMENT THAT PRECLUDES A CANDIDATE FROM COMPLETING ANY PORTION OF THE TEST WILL DISALLOW THE CANDIDATE FROM THE PHYSICAL ABILITY TESTING. For example, a cast on the hand would make it impossible for a candidate to complete the grip strength portion of the test; a recently sprained ankle; a recently injured knee; a back brace. **IT IS THE RESPONSIBILITY OF THE TEST ADMINISTRATOR TO MAKE THE FINAL DETERMINATION OF ALL PHYSICAL IMPAIRMENTS.**

Failure to complete any portion of this test or a withdrawal from completing any portion of this test will result in no score for the entire test.

Following are some important points to help insure the validity of the testing process and results:

1. When a person applies or qualifies to take the Physical Ability TEst, he/she should receive a copy of the letter (Appendix A-1), the brief description of the tests, the applicants medical statement (Appendix B-1) and the consent form (Appendix H-1).
2. If there are more than 20 candidates, schedule them to arrive 10 at a time, 15 minutes apart. If there are more than 100 candidates, consider two testing sessions.
3. If possible, use non-law enforcement personnel to act as test administrators.
4. Be sure all test administrators have had an opportunity to become familiar with the test procedures and set-ups. It is a good idea to give them an opportunity to test several non-applicants before testing candidates.
5. All instructions to the candidates should be read verbatim for the sake of standardizing the testing procedures across all testing sites. Instructions for each station can be copied onto a small card for ease of handling by the test administrator.
6. Any questions about procedures, problems or testing irregularities should be reported when score sheets are turned in. Assistance in problem solving is available by calling:

   Clayton Bain
   or
   Ed Hall
   (406) 444-3604

7. Send copies of all score sheets to:

   Clayton Bain
   POST Advisory Council
   Room 460, 303 North Roberts
   Helena, MT 59620

STATION 1: INITIAL PROCESSING OF CANDIDATE

Materials:

Stethoscope, sphygmomanometer (blood pressure cuff), watch with a second hand, data collection forms. (Multiply this by how many EMT's or other qualified personnel at this station to take heart rate and blood pressure.)

Procedure:

1. Verify candidate's identity.

2. Review all information required to certify the candidate's eligibility to participate in testing. The candidate should have received in the mail prior to testing a short description of the tests, a medical clearance form to be signed by a physician and an informed consent form. The candidate has been informed that he/she will not be allowed to participate unless the physician has signed the statement and that signed statement is presented at the test site. The candidate must also bring the signed consent form to the test location in order to participate in testing. By signing this form, the candidate acknowledges that he/she has been informed of and understands the physical demands of the tests and the clinical risks associated with taking the tests, and that he/she accepts the risks and consents to take the tests.

3. As the candidate shows up to register for the test and turn in the necessary papers, he/she should be informed to go sit quietly and await instructions. Warn them NOT to do any warm-ups at this time. They can warm-up after the resting heart rate and resting blood pressure have been taken.

4. If you have chosen to use numbers to identify the candidates, distribute them at this time. The candidates should wear the number on his/her back so the test proctors can see it clearly. A number can be attached with a single safety pin.

5. Instructions to candidate: "The tests you are about to take were developed on the basis of an extensive study of the physical tasks performed by law enforcement officers in Montana. All but one of the tests are timed. On the timed tests, the faster you perform each test, the better your score will be. The test at Station 3 will be given twice and your best score will be used.

   The tests will be administered at six different test stations. Upon arriving at each test station, the test proctor will read you a description of the test being given at that station. If you have any questions about this information, be sure to ask the proctor for clarification before taking the test.

   At the first station, your resting heart rate and resting blood pressure will be taken. This is being done as a safety precaution due to the physical demands of some of the test.

You will be given a form (see Appendix E-1) for recording your test scores which you are to carry from station to station. (If you are using the score sheets [Appendix F-1] say, "Each station has its own scoresheet. Your scores will be recorded by the number you are wearing on your back. Be sure the number is always available to the test proctor.") Do not leave until you have been informed by the proctor that complete test scores have been collected for you. Do you have any questions? Please remain seated and we will begin taking your resting heart rate and resting blood pressure at this time."

6. Determine candidate's resting heart rate (RHR).

   Instructions: Candidate must remain seated in a quiet location for 10 minutes. This location should be physically separated from the rest of the testing sites. Place the stethoscope just to the left of the sternum between the fourth and fifth intercostal. Begin keeping time on a heart beat. Count "0" for the first beat. Count the number of heart beats that occur in 20 seconds. Multiply this value by 3 to determine RHR. <u>If RHR is greater than 90, retest candidate at five minute intervals until RHR is less than 90.</u> If after 10 minutes RHR remains greater than 90, allow candidate to rest in reclined position before taking final reading. <u>If RHR still exceeds 90, defer candidate from testing pending medical clearance from a physician.</u> It is recommended that the candidate's RHR be taken by a different proctor each time it is retaken. Record final RHR on candidate's test form or on the test site score sheet. Be sure to note the time the test was administered and initial the time and score.

7. Measure candidate's resting blood pressure (RBP).

   Instructions: To be taken immediately after RHR. Candidate must remain seated in quiet location. Attach blood pressure cuff snugly to candidate's <u>dominant</u> arm just above the elbow. Make sure there are no folds in cuff. Place stethoscope on the artery which runs next to and outside of the biceps tendon at the elbow. Candidate's cuff arm should be fully extended forward and supported at approximately chest height. Close valve and pump cuff until dial reading is 180-200mm Hg. Open valve and let air bleed slowly while listening for first and last audible heart beats (which correspond to the systolic and diastolic pressures respectively). <u>If systolic reading exceeds 140 or diastolic reading exceeds 90, place cuff on candidate's nondominant arm and repeat procedure.</u> If readings exceed allowable maximums, return cuff to candidate's dominant arm and take readings at five minute intervals. If after 10 minutes, reading still exceeds 140/90, allow candidate to rest in a reclined position for 10 minutes before taking final reading. <u>If blood pressure still exceeds 140/90, defer candidate from testing pending medical clearance from a physician.</u> Record each RBP's on the score sheet. Be sure to include the time and the initials of the proctor for each trial. It is recommended that a different proctor take the RBP on any of the repeat trials.

8. "Now that you have completed Station 1, you are ready to begin the physical ability tests. Please take a few moments to warm up before you participate in the 100 yard sprint at Station 2."

Direct candidate to Station 2.

(It is recommended that the proctors responsible for taking the RHR and the RBP are at the level of First Responder or higher.)

STATION 2: SPEED TEST (100 YARD SPRINT)

Materials:

Stopwatch, traffic cone, tape, yardstick

Set-up:

There must be an area of at least 75 yards on a dry, hard, flat surface preferable indoors. Do not run on a loose cinder track or on grass if administered outdoors. The Start/Finish line should be 10-15 yards from any obstruction. From the Start/Finish line, measure 50 yards and place the traffic cone at this spot. The traffic cone should be 10-15 yards from any obstruction. Place a yardstick in the top of a short cone to prevent a candidate from placing a hand on the top of the cone. A candidate may turn around the cone either way. Mark the Start/Finish line with tape so it is visible to the candidate and to the test proctor. (See Appendix G-1)

Procedures:

1. Instructions to candidate: "Law enforcement officers are frequently required to run at full speed, from a standing start, in order to pursue a suspect. This test simulates a short distance foot pursuit. The test requires you run 50 yards to the traffic cone, run around the cone and return to the Start/Finish line while running as fast as possible. You will have one trial. You may start from any upright position you find comfortable, but no part of your body may extend beyond the starting line. Knocking over the cone will result in a .5 second addition to the timed score. You will be assessed a .5 second penalty for each false start. Remember, run as fast as you can. I will give the signal, "Ready", pause, then "Go!". Do you have any questions? Take your position."

2. The test proctor should take a position at the Start/Finish line. The stopwatch timing mechanism should be activated with the first finger, **NOT THE THUMB.** If there is any slack in the start/stop mechanism, press gently to take up any slack. Once you are ready with the watch, make sure the candidate has lined up properly and has indicated his/her readiness. In a loud, clear voice, say "Ready", pause a short time, then say "Go!", simultaneously start the stopwatch.

3. Watch for candidate as he/she goes around the traffic cone. Be sure to note the .5 second penalty if the candidate knocks the cone over and the .5 second penalty for each false start.

4. Stop the watch using the first finger again as soon as any part of the candidate's torso (trunk) crosses the Start/Finish line.

5. Record the time to the nearest tenth of a second on the score sheet.

6. Direct the candidate to Station 3.

STATION 3: GRIP STRENGTH

Materials:

Hand grip dynamometer, straight-back chair

Procedures:

1. Instructions to candidate: "As a law enforcement officer you will be required, in the line of duty, to perform such physical acts as scaling a wall, handcuffing a suspect, handling a straight or side-handle baton, or handling a service revolver. These acts demand hand, arm and shoulder strength. At this station, you will be asked to perform a total of two separate strength tests: the hand grip test, both right and left. You will perform each of the tests two times. Your score will be the better of the two scores for each of the tests. Each of the tests requires you to give a maximum effort. Continued effort does nothing to increase your score. Before I describe the test, do you have any questions?

   Please sit in the chair. Place both feet flat on the floor and sit as far back in the chair as you can with your back supported by the back of the chair. Hold the dynamometer in your right hand and hold your right hand at your side. When you are ready, squeeze the instrument as hard as you can for one maximum effort. I will take the reading, re-set the instrument and then you will repeat the squeezing action again as hard as you can. Do you have any questions?"

2. Take measures and record to the nearest pound on the score sheet for the right hand.

3. "Now switch the dynamometer to your left hand. Make sure both feet are on the floor and your back is against the chair. Hold your left hand at your side. When you are ready, squeeze the instrument as hard as you can for one maximum effort. I will take the reading, re-set the instrument and then you will repeat the squeezing action again as hard as you can. Do you have any questions?"

4. Take measures and record to the nearest pound on the score sheet for the left hand.

NOTE TO TEST PROCTOR:

Make sure the dynamometer has been calibrated and is accurately registering on the meter.

5. Direct the candidate to Station 4.

STATION 4: WEIGHT DRAG

Materials:

Stop watch, 140 pound weight, tape to mark Start/Finish lines

Set-up:

1. Test is to be administered indoors. Measure and mark Start/Finish lines 30 feet apart. Allow 10-15 feet beyond each line for the candidate to stop at the conclusion of the test. Mark the lines with tape.

2. Position the weight at the Start/Finish line and position the strap used for pulling on the bag with the free end at the back of the bag. (See Appendix G-1.) Be sure the strap is attached only where it is sewn on the bag and laid with the free end to the back of the bag.

Procedure:

1. Instructions to candidate: "This test simulates dragging someone who is physically incapacitated. The test requires that you drag the weight a distance of 30 feet. When dragging the weight, please **DO NOT** grab the weight by the short handle. Use only the long strap. This is a timed event, so run it as fast as you can. Take your position standing in front of the weight with both feet behind the line. You will be assessed a .5 second penalty for each false start. I will say "Ready", pause, then "Go!". At that time, grasp the strap and pull the weight. Do you have any questions? Take your position."

2. The proctor should move to the finish line if there is only one test administrator before giving the signal to start the test. If two people are administering the test, then check with the proctor at the opposite line before starting the test to make certain he/she is ready to start timing. If two administrators are giving this test, then alternate Start/Finish lines and timing duties.

3. When all parties have acknowledged readiness, say, "Ready", then pause, then "Go!". The proctor timing the test should refer to instructions under Station 2 for how to properly run the stopwatch.

4. Be sure to note the .5 second penalty for each false start.

5. The test is timed from "Go!" until the entire weight has crossed the opposite Start/Finish line.

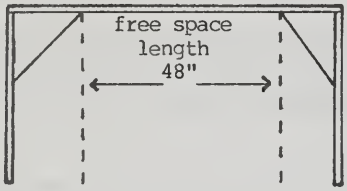
6. Record the time to the nearest tenth of a second on the score sheet.

7. Direct the candidate to Station 5.

STATION 5: AGILITY RUN

Materials:

Stopwatch, 5 tall traffic cones, one 55 gallon drum (empty) or a barrel of comparable size, one table (28" high, 36" wide, 72" long), one balance beam (12' long, 4" wide, 12" from the floor), tape (The distance between the legs of the table should be 72". Total clearance from brace to brace should not be less than 48".)



Set-up:

Position the cones and other obstacles as indicated in the diagram in Appendix G-1. Be sure the course is placed on a dry, hard indoor surface. Leave 10-15 feet of space in front of the Start line and 15-20 feet at the Finish line. Place a yardstick in the top of short cones.

Procedures:

1. Instructions to candidate: "Agility, or the ability to change directions rapidly is an important component of the duties of a law enforcement officer. This test simulates a short distance pursuit that might occur. It requires you to make frequent changes in direction and level while running as fast as possible. You should run this test as fast as possible, but do not run carelessly. If you run into, knock over or touch any of the obstacles, there will be a penalty added to your total time. Here is a description of what you will need to know to run this course: On a signal, "Ready", pause, then "Go!", you will run directly to the first traffic cone, then run zig-zag around the outside of all 5 cones; run directly to the barrel, jump over it; run directly to the table, roll under it; get up, run directly to the balance beam and, while facing the end of the beam, travel the first half of the beam to the line by running or walking, then, facing sideways, sidestep to the end of the beam. You must place one foot at the end of the beam within the area marked. When you leave the beam, run directly to the Finish line. Remember, you must be careful **NOT** to touch any of the obstacles as you pass by, over or under them. If you become confused during the first trial, you will stop and restart the test. If you must restart the test a second time, there will be a .5 second penalty. If you become confused a third time, you may not complete this test. Do you have any questions? Take your position at the Start line."

2. Proctor should refer to instructions included for Station 2 for the proper operation of the stopwatch.

3. Stand between the Start and Finish lines so you have an unobstructed view of all of the obstacles and can move to the Finish line as the candidate is nearing the end of the course. The proctor should be opposite the line when the candidate finishes. It is recommended that two people administer this test. One should run the watch and the other should watch for penalties.

4. Proctor says "Ready", then pause, then "Go!" and simultaneously starts the stopwatch.

5. The proctor should mark any penalties as they occur during the test.

6. Refer to the scoresheet for the proper penalties. (See Appendix E-1)

7. Record the total time plus the penalties to the nearest tenth of a second on the score sheet.

8. Direct the candidate to Station 6.

(It is suggested that several copies of the obstacle course be posted on the walls around the test station. Marks (broken lines) made from masking tape can be placed on the floor to mark the path to be followed. Make tape marks on the floor at the spots where the equipment is to be placed so if it is moved in the course of the test, it can be replaced in exactly the same position.)

STATION 6: ONE-HALF MILE RUN

Materials:

Stopwatch for each proctor, standard 220 yard track (indoors), or standard 440 yard track (outdoors), tape (If the track is less than 440 yards, the course should be laid out in such a manner that the candidates do not have to run more than 8 corners.)

Set-up:

The track should be a minimum of 4 lanes and should be dry and free of any obstructions. If running outdoors, the test should not be run if the weather is less than 55 degrees or the wind is blowing more than 5 mph. Mark the Start/Finish line with the tape and traffic cones if they are available.

Procedure:

1. Instructions to candidate: "Endurance, or the capacity to continue a level of exertion over a prolonged period of time, is an important attribute for a law enforcement officer. This test simulates a long distance foot pursuit and requires that you run 880 yards or 1/2 mile. The test consists of running 2 (4 if track is a 220) laps around the track. Try to pace yourself so you can run the entire distance as fast as you can. You should be running at a pace faster than a jog, but slower than an all out sprint like you did at Station 2. Remember, you are not judged on how you finish in relation to others running at the same time, but you are evaluated on how fast you run in relation to a standard. You will be assessed a .5 second penalty for each false start. I will say "Ready", then pause, then "Go!". Do you have any questions? Take your position at the Start/Finish line."

2. All proctors should review how to operate a stopwatch in the instructions for Station 2.

3. Start the watches when the proctor says "Go!" and stop the watches when any part of the candidate's torso crosses the Finish line.

4. Record the time to the nearest second on the score sheet. Be sure to note the .5 second penalty for each false start.

5. Encourage the candidates to keep moving and not to sit down or lie down right after finishing. Try to keep them walking around until they cool down.

6. Watch carefully for any candidate exhibiting signs of physical distress (dizziness, nausea, pallor, cold sweat, etc.).

7. Check with the candidate to confirm that all tests have been taken. The candidate should have been to six stations. If there is any test not completed at this time, the candidate should b advised and the test should be taken. If the candidate has carried the score sheet around with him/her to all the stations, collect the completed score sheets at

Station 6. If each station has used its own score sheet, verbally recount the testing stations with the candidate and have him/her confirm that the tests have all been completed.

8. Dismiss the candidate after appropriate cool down and acknowledgement that the candidate has indeed taken all the required tests.

APPENDIX A-1

SAMPLE LETTER

This is to notify you that the Montana Law Enforcement Physical Ability Test will be given. You should plan to begin the testing procedure at ___(time)___ at the ___(place)___ on ___(date)___.

When you arrive, you should:

1. Be sure to have your signature on the forms indicating your ability to participate. **YOU WILL NOT BE ALLOWED TO PARTICIPATE WITHOUT THESE STATEMENTS.**

2. Be wearing clothing appropriate for activities of running, jumping and rolling. This means shorts, sweat pants, T-shirt, sweat shirt, rubber soled activity shoes, etc.

3. Arrive a little early so you do not have to rush. The first test is a measure of resting heart rate (RHR) and resting blood pressure (RBP). Rushing to the test will cause both to increase. Do not eat, smoke, drink an alcoholic beverage or drink a beverage containing caffeine just prior to testing. Any of these will cause RHR and RBP to increase.

4. Wait until after the first station to warm up for the rest of the tests.

Please call ___(name and number)___ if you have any questions or must change your time for any reason.

APPENDIX B-1

MONTANA LAW ENFORCEMENT PHYSICAL ABILITY TEST

An applicant's resting heart rate and resting blood pressure will be checked prior to physical testing. Applicants will not be tested if they have a resting heart rate in excess of 90 beats per minute or a resting systolic/diastolic blood pressure in excess of 140/90. Applicants shall then perform the following tests to the best of their ability:

100-Yard Sprint:	Run 50 yards to a traffic cone, go around the traffic cone,and return to the start/finish line as fast as possible (timed).
Grip Strength:	Two tests--each of maximum effort hand grip. Both right and left hands tested using a grip dynamometer.
Weight Drag:	Drag a 140 pound weight 30 feet as fast as possible (timed).
Agility Run:	Consists of running as fast as possible while making frequent changes in direction and level. Includes a running zigzag around traffic cones, jumping over a barrel, rolling under a table, and sidestepping across a 4 inch by 12 foot long balance beam (timed).
One-half Mile Run:	Run 1/2 mile as fast as possible (timed).

These tests are designed to measure those physical attributes most often used in law enforcement--mainly speed, strength, agility, and endurance. You should use this test information to help prepare yourself. You must bring your own appropriate athletic clothes and shoes. Failure to complete any portion of the test or a withdrawal from completing any portion of this test will result in no score for the entire test.

YOU MUST HAVE THIS COMPLETED AND RETURNED TO THE TEST ADMINISTRATOR IN ORDER TO PARTICIPATE IN THESE TESTS.

This is to certify that I have read the above physical ability testing criteria, and I am unaware of any medical or physical reasons that would prohibit me from participating or cause injury due to the strenuous physical activity involved while testing.

_____

APPLICANT'S NAME (**PLEASE PRINT**) Last, First, Middle Initial

_____ _____

APPLICANT'S SIGNATURE DATE

APPENDIX C-1

EQUIPMENT LIST

Station 1: 1 stethoscope, 1 sphygmomanometer, 1 watch with a second hand for each EMT or qualified test administrator, chairs (10) and at least 2 cots or mats

Station 2: Stopwatch, traffic cone, tape

Station 3: Hand grip dynamometer, straight-back chair

Station 4: Stopwatch, 140 pound weight, tape

Station 5: Stopwatch, 5 traffic cones, 1 empty 55 gallon drum, 1 table (28" high, 36" wide, 72" long), 1 balance beam (12' long, 4" wide, 12" high), tape

Station 6: Stopwatch for each proctor, tape

GENERAL EQUIPMENT

Measuring tape
Clip boards for each station and score sheets
Pens for each station (**NOT** pencils)

Note: Place a yardstick in the tops of short cones

APPENDIX D-1

EQUIPMENT - DIRECTIONS FOR ACQUISITION OR CONSTRUCTION

Weight for Weight Drag:

1. Buy a regulation Army duffel bag - best source is an Army/Navy surplus store.

2. Put two (double layer) of heavy-duty plastic garbage bags inside the duffel bag.

3. Fill the bag with sand or pea gravel until the bag and contents weigh 140 pounds. This should be as accurate as possible.

4. Tie the garbage bags securely.

5. Close the top of the duffel bag securely.

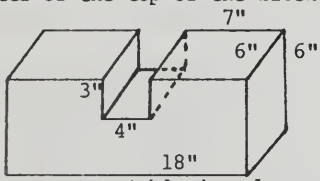
Balance Beam for Agility Run:

1. Borrow a practice or low balance beam from the area elementary, junior high or high school.

2. If one is not available for use, then construction of a beam will be necessary.

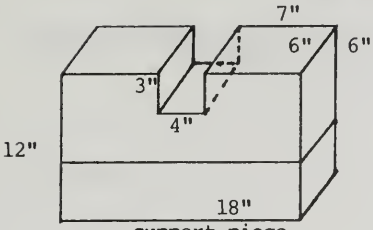
   A. Materials Needed:
      1) two 12' long 2 by 4's
      2) one 10' long 6 x 6 post
      3) liquid nails
      4) saw, chisel, hammer, clamps
      5) pieces of rubber for the bottom of the blocks

   B. Construction:
      1) glue the two 2 by 4's together - clamp firmly
      2) saw the 6 x 6 into 18" lengths
      3) on three of the 6 x 6 x 18" blocks, saw and chisel a 3 x 4 cut-out in the center of the top of the block.

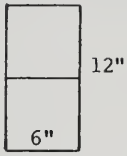


      4) glue together one cut-out block and one regular 6 x 6 block to make one support piece. There will be three total. Glue the rubber to the bottom of each block.
      5) place the glued 2 x 4's on the support pieces. The supports should be at the center and at either end.
      6) the beam can be permanently fixed to the supports if desired. That would add to the stability.

FINISHED PARTS FOR THE BEAM

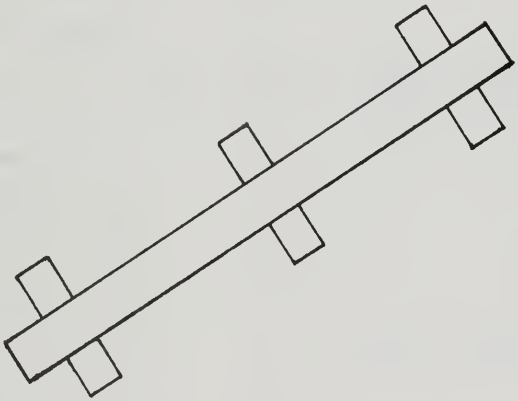


support piece
end view



support piece
side view

beam
end view



beam and support placement

Hand Grip Dynomometer

Requests for this piece of equipment can be made to:

Clayton Bain, Executive Director
POST Advisory Council
303 North Roberts
Helena, MT 59620
(406) 444-3604

Requests for distributors should be made to the same address.

APPENDIX E-1

SAMPLE SCORE SHEET TO BE CARRIED BY THE CANDIDATE FROM STATION TO STATION

NAME_____

Physician's Clearance_____

STATION 1: RHR AND RBP

RHR_____ RHR_____ RHR_____ RHR_____

	First	Second	Third	Fourth
RBP (systolic/diastolic)	___/___	___/___	___/___	___/___

STATION 2: SPEED (100 YD. SPRINT)

TIME (to nearest 1/10)_____ Penalty: False start Penalty: False Start____(.5)
Penalty: Hit cone Penalty: Hit Cone_____(.5)

STATION E: GRIP STRENGTH

Right Hand (nearest pound) _____
Left Hand (nearest pound) _____

STATION 4: WEIGHT DRAG

TIME (to nearest 1/10)_____ Penalty: False start_____(.5)

STATION 5: AGILITY RUN

TIME (to nearest 1/10)_____
Penalties (# of times)

Penalty: False start_____(.5)
Touching traffic cones_____(.1)
Knocking over traffic cones_____(.2)
Touching barrel_____(.1)
Not rolling under table_____(.2)
Moving table_____(.2)
Fall off beam (1 foot touch)_____(.1)
Fall off beam (2 feet touch)_____(.2)
Not stepping 1 foot at end (last 1") of beam_____(.1)

STATION 6: 1/2 MILE RUN

TIME (to nearest second)_____ Penalty: False start_____(.5)

APPENDIX F-1

SAMPLE SCORE SHEETS TO BE USED AT EACH STATION WHEN CANDIDATES ARE IDENTIFIED WITH NUMBERS

SCORE SHEET FOR RESTING HEART RATE AND RESTING BLOOD PRESSURE

CANDIDATES ID #	RHR	RBP (sys/dys)

SCORE SHEET FOR SPEED TEST

CANDIDATES ID #	SPEED +	PENALTIES =	TOTAL TIME

SCORE SHEET FOR GRIP STRENGTH
(Two trials per dominant hand)

CANDIDATES ID#	DH-1	DH-2

SCORE SHEET FOR AGILITY RUN

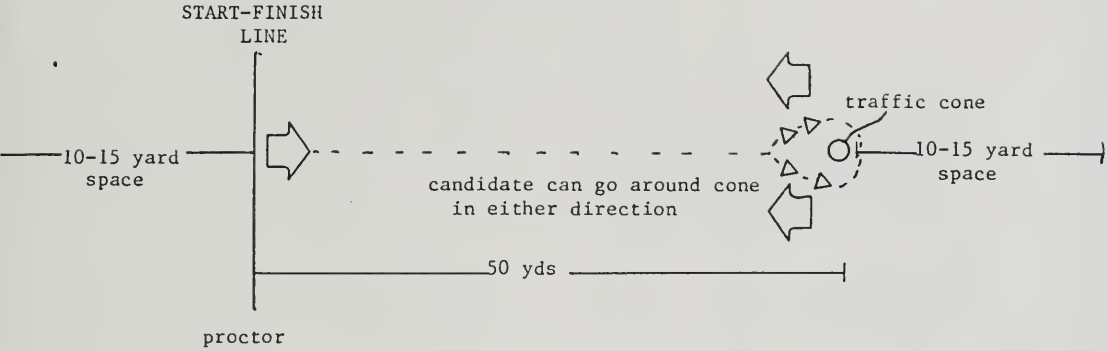
CANDIDATES ID #	SPEED	+	PENALTIES	=	TOTAL TIME

SCORE SHEET FOR HALF MILE RUN

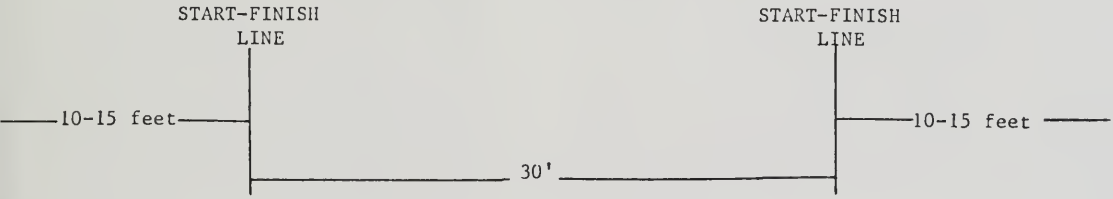
CANDIDATES ID #	MINUTE	+ SECONDS

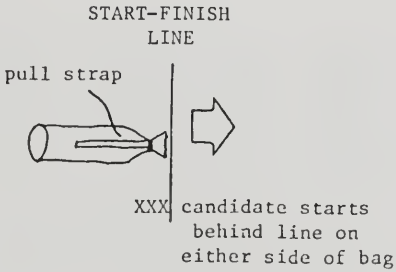
APPENDIX G-1

STATION 2: 100 YARD SPRINT

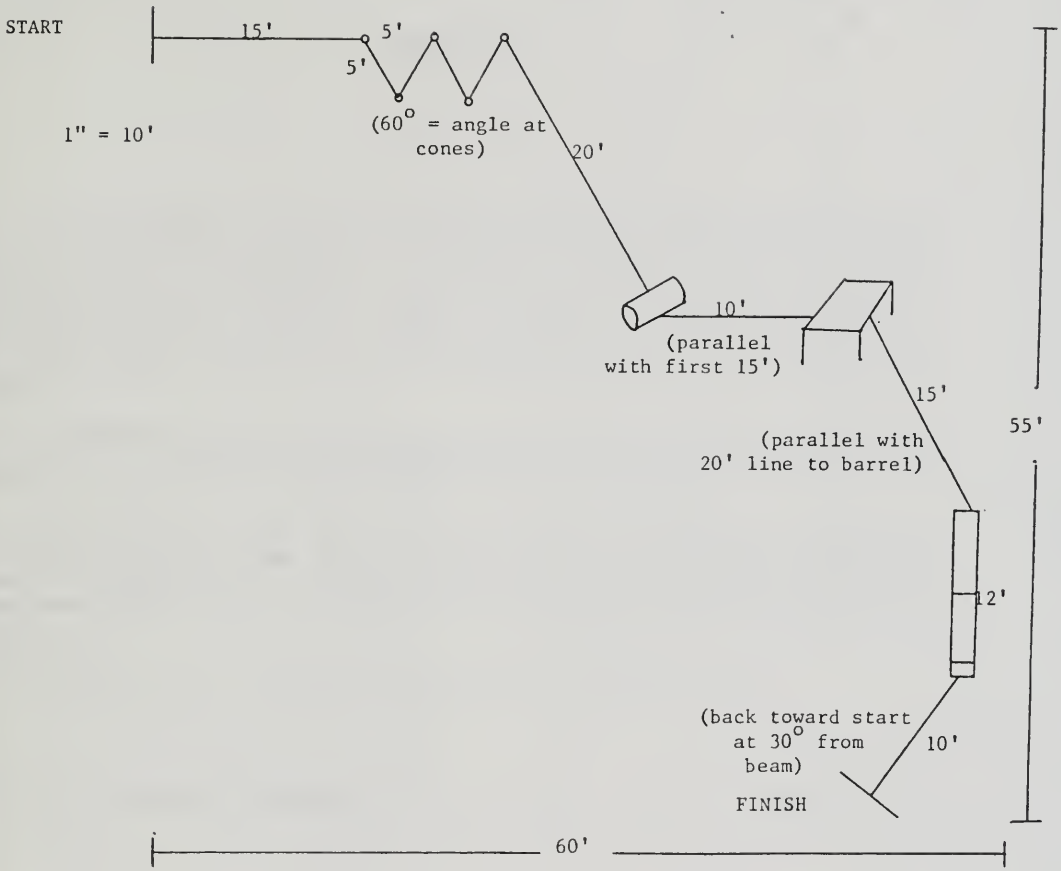


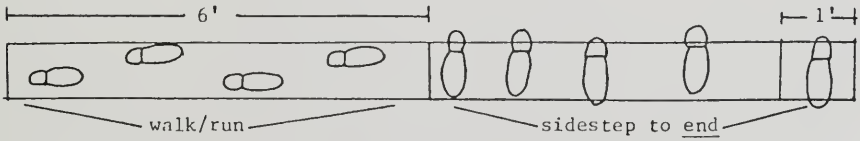
STATION 4: WEIGHT DRAG





STATION 5: AGILITY RUN





BALANCE BEAM

APPENDIX H-1

CONSENT FORM

I, _____(name)_____, have reviewed the Montana law Enforcement Physical Ability Test and have determined that I am capable of taking and completing the test battery without undue stress. I understand that some of the activities are strenuous, require substantial exertion on my part and that I may become uncomfortable during or following these activities. I further understand that I may suffer injury while giving a maximum effort on the tests in this battery and may suffer muscle strains and/or soreness during or after the tests have been completed.

I fully understand and appreciate the risks that may be involved with taking this test and will not hold the test administrators, the test developers nor the agency responsible for any injury I may incur during testing.

I understand that not everyone may pass this test, that the test will differentiate between those who can and those who cannot perform at predetermined levels in selected areas of functioning, and that if I am unable to perform at the predetermined level, that I will be eliminated from further consideration for employment.

I hereby attest that I have read and understand the statement above.

_____ _____

(Signature of Candidate) (Date)

Before participating in this study, please answer the following questions. Mark those items that apply to you:

Yes	No	
_____	_____	Your doctor said you have heart trouble, a heart murmur, or you have had a heart attack.
_____	_____	You frequently have pains or pressure--in the left or midchest area, left neck, shoulder, or arm--during or right after you exercise.
_____	_____	You often feel faint or have spells of severe dizziness.
_____	_____	You experience extreme breathlessness after mild exertion.
_____	_____	Your doctor said your blood pressure was too high and is not under control; or you don't know whether or not your blood pressure is normal.
_____	_____	Your doctor said you have bone or joint problems such as arthritis.
_____	_____	You have a family history of premature coronary artery disease.
_____	_____	You have a medical condition not mentioned here which might need special attention in an exercise program.

If you answered NO to all questions, you have reasonable assurance of your suitability for this study.

If you answered YES to any question, we will not be able to use you in this study.

This form has been adapted from the questionnaire contained in
Exercise and Your Heart
published by the U.S. Department of Health and Human Services,
NIH Publication # 81-1677, May, 1981.

APPENDIX C

Guidelines for Medical Examination of Peace Officer Candidates

Section 7-32-303, MCA, requires a person appointed as a peace officer "be examined by a licensed physician, who is not the applicant's personal physician, appointed by the employing authority to determine if the applicant is free from any mental or physical condition that might adversely affect performance by the applicant of the duties of a peace officer." The Board of Crime Control has not established medical requirements by rule, however, the Peace Officers Standards and Training Advisory Council has developed these guidelines to aid law enforcement agencies in using the results of the required medical examination to achieve its purpose.

The purpose of medical screening is the selection of law enforcement officers:

> Who are free of contagious, infectious, or incapacitating conditions which would endanger the health of others or would represent a hazard to self and others in the performance of duty.
>
> Who are medically capable of completing the required training and achieving acceptable job performance.
>
> Whose past work record, current body structure, and physical stamina indicate that the individual would be physically fit for the job of peace officer.

In short, the purpose of medical screening is to eliminate applicants with medical conditions that adversely affect their ability to perform the job.

Rejecting a candidate on the basis of a medical condition that does not interfere with job performance violates state and federal law. Section 49-2-303(1)(a), MCA, states:

> It is an unlawful discriminatory practice for ....an employer to refuse employment to a person (or) to bar him from employment....because of his....physical....handicap....when the reasonable demands of the position do not require a ()....physical....handicap....distinction.....

Similarly, federal regulations at 45 C.F.R. 84.11(a)(1) provide that "no qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment....." These two laws prohibit employers from establishing medical standards that bar the employment of those who can perform the job. Agencies should set employment standards for the hiring of qualified applicants, but they must avoid discrimination resulting from standards that are too strict. Proper standards can only be established through careful analysis of the relationship between the proposed standards and job requirements.

The physician who examines candidates and makes employment recommendations in effect is deciding the issue of job-relatedness. Therefore, the physician must be knowledgeable about the job requirements. Agencies should appoint qualified physicians to conduct the examinations rather than using the candidates personal physician. The applicant should be given the opportunity of requesting that the examining physician consult with his personal physician. The agency should present to the physician all available, relevant analytic information before the examination begins. The physician should have a thorough knowledge of the relevant characteristics and problems of the law enforcement agency and an awareness of fair employment issues.

Each candidate should be evaluated on an individualized basis. The decision to reject an applicant for failure to meet physical requirements should be based on each applicant's capabilities rather than on rigid reliance on diagnostic labels.

The decision to reject a candidate on medical grounds involves three basic steps:

1) The diagnosis, based on a careful examination, that the candidate has a particular disease or condition;

2) A judgement, based on the knowledge and expertise of the examining physician, that the disease or condition will have specific undesirable consequences, such as reduced strength; and

3) A decision that the consequences of the disease will interfere with the requirements of the job as identified by a careful job analysis.

To aid physicians and law enforcement agencies in the above third step of the decision-making process, these guidelines contain a list of recommended, generalized standards./ If the examining physician decides, or a candidate can demonstrate that the standards should not apply, regardless of past or present diagnosis, the candidate should not be rejected for medical reasons.

Rejection may be based on a medical condition only if it causes one or more of the following:

1) Inability or difficulty in performing required job behaviors at an acceptable level or proficiency:

   (a) Inability to perform routine demands of the job such as riding in a car for extended periods or walking required distances;
   (b) Inability to perform the more strenuous demands of the job such as lifting, carrying, balancing, crawling, running, jumping, pushing, pulling, dragging or climbing; and
   (c) Difficulty in performing job activities or meeting job responsibilities due to such things as reduced reaction time, reduced physical flexibility, inability to adjust or required schedules for sleeping and eating, or inability to respond to inflexible work schedules.

2) Unreasonable and extraordinary accommodations:

3) Safety hazard to self or others, such as would result from contagious diseases or conditions which cause sudden, unexpected incapacitation;

4) Adverse reaction to environmental factors encountered on the job, such as the inability to work effectively in different types of climate (that is, hot, cold, dry, humid), undue loss of effectiveness on slippery or uneven surfaces, or when working at heights.

Certain conditions covered in these guidelines may be temporary or remediable. Some of these are listed separately. When such a condition is corrected, or no longer exists, it may not be grounds for a medical rejections. Each agency must adopt policies for the re-evaluation of candidates who have such conditions.

Many medical conditions are not specifically covered by these guidelines. If the medical examiner identifies such a condition, he or she should attach a signed statement to the examination report identifying the condition and giving a medical opinion as to whether this condition is of such a degree as to adversely affect the candidates ability to perform ordinary law enforcement duties during a normal period of the candidates career, and why.

Even the medical conditions covered by these guidelines should be reviewed by each agency to determine whether they are consistent with the requirements of that agency's entry-level law enforcement officer position. Where the job requires, an agency may establish more strict or more lenient standards regardless of these guidelines.

Medical Examination Procedures

The following are a few of the procedures that should be followed in the course of the medical examination required of every candidate:

Cardiovascular. Blood pressure readings should be taken at rest. Where an initial blood pressure reading does not come within the standard limits, the examiner may repeat the procedure after allowing the candidate a period of relaxation and quiet. If readings are abnormal, the examiner may take two readings on each arm.

A resting E.K.G. or a stress E.K.G., when deemed necessary by the medical examiner, may be included in the examination to clarify any suspect condition of the heart.

Ear Conditions. Hearing should be tested by an audiometer between 500 and 6000 cycles per second using on the range 500, 1000, and 2000 for purposes of qualification. Tests should be administered in a quiet room. Tests using the voice are not valid.

Eye Conditions. The Ishihara test, the Farnsworth D-15 test or the test by pseudo-isochromatic plates should be used for color perception. The Shein test should not be used.

Genito-Urinary Conditions. If urinalysis indicates glycosuria, blood tests should also be performed to determine whether the condition is benign.

Musculo-Skeletal System. The medical examiner should examine closely:

1) any history of operations on bones, joints, spine such as disk removal, fusion of the vertebrae, or cartilage injury of the knee;

2) any affliction, impairment, disability, or absence of arms, legs, hands or feet; and

3) deformities of the lower extremities such as third degree flat feet, ingrowing toenails, hammer toes, claw toes, or missing toes to determine whether any of these conditions would interfere with the proper performance of ordinary law enforcement duties.

Respiratory System. The medical examiner should examine closely the extent of any sinusitis or any chronic respiratory condition such as bronchitis, bronchiectasis, emphysema, or fibrosis to determine whether the condition would interfere with the proper performance of ordinary law enforcement duties. If there is an indication of disease, the medical examination should include a chest x-ray.

Nose, Mouth and Teeth. The medical examiner should examine closely:

1) any significant defects of the nose, mouth or teeth; and

2) pyorrhea, gingivitis, or any irremediable disease of the gums or jaws to determine whether the condition would interfere with the proper performance of law enforcement duties.

Gynecology. For female candidates, a bi-manual gynecology examination should be conducted.

Conditions

Allergies. The candidate should not have a history of chronic and incapacitating allergic conditions that would adversely affect the candidate's performance of law enforcement duties.

Blood Conditions. The candidate should not have anemia or any other chronic blood condition.

Cardiovascular. Blood pressure should be systolic not higher than 140 nor lower than 90 mm of Hg. and diastolic not higher than 90 mm of Hg. The candidate should not take medication for the control of blood pressure.

Ear Conditions. The candidate should be able to clearly perceive sounds within the normal voice range such as sounds transmitted by radios or voice commands, within the normal decibel limits. The ASA standard should be used. The average decibel loss for three frequencies should be less than 15db. At 4000 cps or hy, the decibel loss should be 30db or less.

The candidate's middle ear or mastoid should not be acutely or chronically infected.

Eye Conditions. The candidate's eyes should be free from disease or any condition leading to rapid deterioration of the eyesight. There should be no chronic eye conditions such as glaucoma, cataract, or chronic inflammation.

The candidate should correctly read at least nine (9) of the first 15 Isharara plates.

The candidate's visual acuity should be a minimum of 20/100 in each eye, correctable to 20/20 in each eye.

Rectum. The rectum should be free from any disabling condition including hemorrhoids, fistulas or cysts judged by the medical examiner to be in need of medical attention.

Liver. The liver should not be enlarged or diseased. For example, there should be no cirrhosis.

Ulcer. Peptic, oesophageal, gastric, or duodenal ulcers should not be present.

Genito-Urinary Conditions. The urinary tract should not be infected. Glycosuria or renal diabetes should not be evident. Albuminuria should not be disqualifying if it is minimal.

There should be no acute inflammatory genital condition. There should be no significant scrotal mass such as hydrocele or varicocele.

Hernia. There should be no single, double, or incipient hernias. The candidate should not use a truss.

Infections and Parasitic Diseases. There should be no acute local infections or active venereal disease.

Metabolic Disease. The candidate should not have diabetes insipidus.

The candidate should not have diabetes mellitus, including chemical or insulin - dependent diabetes mellitus. The United State Supreme Court has ruled, in 1989, that diabetes is a valid condition for rejecting an applicant for law enforcement employment.

Musculi-Skeletal System. There should be no disease or injury of the back, joints, or muscles. There should be no weakness or lameness, or limitation of motion or function of the back or joints, including shoulder, elbow, wrist, fingers, hips, knee, ankle, foot, or toes. The extremities should be free from afflictions of the joints such as sprains, stiffness or swelling. There should be no significant abnormality of the spine.

The candidate should not have arthritis, bursitis, myositis, osteomyelitis, tendonitis, or repeated dislocation of a joint to a degree that would impair performance of law enforcement duties.

The candidate should not use orthopedic braces.

Hand grip or function should not be impaired. There should not be impairment of more than one finger on either hand.

Nervous System. The candidate should not have a history of epileptic seizures within the past five (5) years.

The candidate should not have a history of alcoholism or drug addiction within the past five (5) years.

Respiratory System. Respiration should be full, easy, and regular. The respirator sounds should be clear and distinct over both lungs, and no disease of the respiratory organs should be present.

The candidate who has a history of significant clinical tuberculosis should have a chest x-ray.

Nose, Mouth and Teeth. The candidate should not be predisposed to diseases of the ear, nose or throat.

The candidate should not have a seriously deviated nasal septum or any other significant obstruction to free breathing.

The mouth should be free from any conditions that interfere with distinct speech.

The teeth should not be significantly unconnected. Properly fitted partial or full dentures are permitted.

Remediable Conditions

Rectum. Hemorrhoids, fistulas or cysts may be correctable by surgery.

Hernia. May be correctable by surgery.

Infections and Parasitic Diseases. Active venereal infection.

Nose, Mouth and Teeth. Enlarged tonsils or adenoids, primary sinusitis, teeth with significant unconnected condition.

APPENDIX D
SUGGESTED PROCEDURES FOR PSYCHOLOGICAL TESTING

As stated on Page 2e, the POST Council recommends the use of psychological tests for the purpose of pointing out probable personality problems that may conflict or impair an applicant's ability to perform law enforcement duties and to identify those applicants with psychotic or neurotic disorders.

Administering these tests after the oral interview will keep the costs down as the number of applicants have been reduced to the smallest number of eligibles at this time. Some agencies prefer to have the results of these tests at the time of the oral interview. This is preferable, but will cost more.

If an agency decides to use psychological tests, the POST Council recommends that at least two, and preferably more, psychological tests be used along with an interview by a qualified psychologist. Of course, in order to administer the tests a qualified psychologist must be retained to do the test evaluations.

Two or more tests should be used to allow the psychologist or psychiatrist a larger inventory of problem areas to explore and evaluate. As no psychological tests have been developed specifically for the law enforcement occupation, psychologists need to administer several tests that more adequately cover the attributes or problem areas associated with police work than one test.

For instance, the MMPI is used most often to screen applicants to law enforcement. It has some power to identify those persons who are likely to have problems in judgement, decision making, reacting to stress, initiative and motivation. Its importance lies in its ability to detect the possibility of serious emotional problems which may interfere with job performance. Two important problem areas that it does not have the capacity to detect are immaturity and deception or dishonesty. So other tests should be used to cover the gaps in the MMPI. It should not be relied upon as the sole predictor of future performance.

According to a 1985 survey conducted by the California State Personnel Board of law enforcement agencies in forty different states (including Montana) and eleven federal agencies on the use of psychological and personality tests in the selection process for law enforcement employment, the following twenty-one published tests were reported being used:

Adult Personality Inventory (API)
Beck Depression Inventory (BDI)
California Psychological Inventory (CPI)
Edwards Personal Preference (EPP)
Gilford-Zimmerman Temperament Survey (G-Z)
Hogan Personality Inventory (HPI)
Incomplete Sentence Blank (ISB)
Inwald Personality Inventory (Adult Form) (IPI)
MAST (MAST)

Millan Clinical Multiaxial Inventory (MCMI)
Minnesota Multiphasic Personality Inventory (MMPI)
Mortimer-Filkins (M-F)
Motivational Analysis Test (MAT)
NCA (NCA)
Personality Adaptability Test (PAT)
Press Test (PRESS)
PRF-E (Jackson) (PRF)
Rotter Incomplete Sentence Blank (RISB)
The Rorschach Tests (RORS)
Thematic Apperception Test (TAT)
16 PF (16PF)

Agencies using psychological tests have at least two options on how the results are used. These are:

1. Using psychological/personality tests to disqualify only those applicants with major thought disorders (psychosis) and those with anxiety-based disorders (neurosis). All disqualifications should be based upon the finding that, if hired, the applicant would impose an immediate and substantial risk. Findings regarding other types of possible dysfunctions or concerns over the applicant's psychological state may be conveyed to the background investigator to guide them in the background investigation.

2. Use psychological/personality tests **only** as a "flag" for the background investigation. Applicants would be disqualified based on information obtained in the background investigation.

The rationale for the first option revolves around the fact that most studies indicate that eight percent of the U.S. population falls into having major thought or anxiety-based disorders. Surveys also show that of those states who use psychological testing and have a disqualification rate higher than eight percent, one-third have been in litigation. None with a disqualification rate of eight percent or lower were in litigation.

Whichever option, or any other option is used, a permanent record should be kept of the results. After several years of data a study can be made to determine if the method used is appropriate and defensible or if the method should be reconsidered.

PROCEDURES & GUIDELINES FOR

DETENTION OFFICERS

THE SELECTION PROCESS FOR DETENTION OFFICERS

The selection process for detention officers is very similar to the process used for selecting peace officers. The same federal and state laws prohibiting certain kinds of employment discrimination also apply to the hiring of detention officers. Whenever a hiring agency rejects an applicant for employment, the agency should be able to show a valid basis for rejection. The employment requirements for detention officers found in the Administrative Rules of Montana, Rule 23.14.423, are also quite similar to those for peace officers, with some exceptions.

All detention centers should establish procedures designed to select only those applicants who possess the necessary physical, mental, and emotional characteristics needed to perform the duties of a detention officer. To assist agencies in evaluating an applicant's qualifications for subsequent certification, and to aid the POST Council in determining that the applicant has met the required qualifications, the following selection process should be followed:

1. Whenever an agency receives an application for a detention officer position and a review of the application indicates the applicant meets the agency's basic requirements, the applicant should be given a personal history statement for detention officers, POST Form 1-B(90). This should be completed and returned with all required documents attached. This is used as a reference for conducting the background investigation.

2. If the agency uses any type of testing procedure such as written or physical ability tests, these should be validated as to how they relate to the job functions performed by detention officers. When scoring procedures are used in testing for employment, remember to add the appropriate points for veteran's preference for those who qualify.

3. Applicants must be fingerprinted and a search made of local, state, and national fingerprint files. Copies of the record checks must be retained in the applicant's personnel file. Those who have been convicted of a felony offense must be rejected.

4. A thorough background investigation is required. The personal history statement is a good reference for this. Agency investigators may use the background investigation procedures outlined in this manual on pages 3-13 to 3-23. The background investigation forms can also be used for this. Care should be taken that the thoroughness of the background investigation not be influenced by an unlawful discriminatory factor; for example, the degree of scrutiny given to an applicant's background should be independent of the applicant's race, sex, or religion.

5. Applicants who have successfully completed the process to this point are required to be interviewed. This may be accomplished by an interviewing board or by the agency administrator. The applicant should be interviewed on the basis of identifiable characteristics or abilities directly related to the detention officer tasks

the applicant can be expected to perform. A structural interview where the applicant is rated and scored on an interview form is recommended. This should consist of questions and job simulations that the applicant can be expected to encounter. These should consist of problems involving conflicts of interest and ethics, loyalty, judgment, ability to cope with stressful situations, self insight and motivation for the job. Any background issues that have developed should be clarified at the interview.

The applicant should be rated on oral communication skills, appearance and demeanor, ability to cope with pressure, maturity, judgment, emotional stability, and an overall rating for suitability for the work. Remember on the scoring procedure to add veterans preference points for those who qualify. Also scoring sheets should provide for comments by persons conducting the interview.

6. For those agencies who total the score obtained from the various examinations, remember to subtract out all of the veterans preference points awarded in each of the examinations before totaling those scores. Veterans preference points are not cumulative. When totaling the scores, add the appropriate five or ten veteran's preference points to the total score of those who qualify. An eligibility list can be constructed by the agency starting with the applicant with the highest score and going down the list as far as the administrator wants to, or until the cut-off score is reached. Employment offers should start with the applicant at the top of the list. Any offers of employment at this point must be conditional on the applicant passing the medical examination.

7. A medical examination by a licensed physician appointed by the employing agency is required. The POST medical examination form, POST 4-73, may be used by the examining physician. To assist the physician, the applicant should complete the health questionnaire for POST 2-73 and present it to the doctor at the time of the examination.

   Applicants who are found to be medically unfit to serve as detention officers should be rejected. Each agency should have a written policy outlining the steps an applicant may take in appealing medically based rejections, and applicants should be notified of this policy.

To summarize the selection process, these are the steps involved:

1. An application is filed by the applicant.
2. If required by the agency, written and physical agility tests are administered.
3. Successful applicants file a personal history statement and are fingerprinted.
4. Background investigation is conducted and all documents required are on file.
5. Oral interview is conducted.
6. Successful applicants are placed on an eligibility list.
7. Prior to employment, the medical examination is administered to those selected for hire from the eligibility list.
8. Applicants are employed as openings occur.
9. Eligibility lists should be valid from one to not more than two years.